

The Under Secretary (SA),
Himachal Pradesh,
SINLA-2.



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

खण्ड 24]

शिमला, शनिवार, 12 जून, 1976/22 ज्येष्ठ, 1898

[संख्या 24

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12 जून, 1976/22 ज्येष्ठ, 1898 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'असाधारण राजपूत, हिमाचल प्रदेश' में प्रकाशित हुईः—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
No. LLR-D(6)6/75; dated the 8th June, 1976.	Law Department	The Motor Vehicles (Himachal Pradesh Amendment) Act, 1976. (Act No. 24 of 1976).
No. 9-14/75 (Rev.-A), dated the 3rd June, 1976.	Revenue Department	Amendment in Himachal Pradesh Grant of Nautor Land to Landless and other Eligible Persons Scheme, 1975.
No. 10-7/74 (Rev.-A), dated the 3rd June, 1976.	-do-	Amendment in the H. P. Utilisation of surplus Area Schemes, 1974.
No. 18-14/74-Rev.-II, dated the 3rd June, 1976.	-do-	Acquisition of land for rehabilitation of fire sufferers of Narkanda.
संख्या पंच-मण्डि 4 (1)/75, दिनांक 25 मई, 1976.	कार्यालय जिलाधीश, मण्डि	विकास खण्ड द्रांग के सहविकलिप्त पंच के नाम की सूचना।
No. 6-20/65-Elec.-II, dated the 1st June, 1976.	Nirvachan Vibhag	Publication of the Election Commission of India's Notification No. 429/H.P./75(1), dated the 24th May, 1976 along with Hindi version.
No. 10-1/73 (Rev.-A), dated the 8th June, 1976.	Revenue Department	Amendment in the Himachal Pradesh Village Common Lands Vesting and Utilisation Scheme, 1975.
No. WLF-B(2)-23/75, dated the 1st June, 1976.	Welfare Department	Recruitment and Promotion Rules for the post of District Welfare Officer (N.G.) in the Welfare Department.
संख्या 6- मण्डि (इलैक्ट्रो) 11/75, दिनांक 29 मई, 1976.	कार्यालय जिलाधीश, मण्डि	ब्लाक रिवाल्मर, सुन्दरमगर, करसोग, चंचोट, गोपालपुर, द्रंग तथा सराज के निर्वाचित प्रधानों तथा उप-प्रधानों के नामों की सूचना।

**भाग 1—वंधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा
अधिसूचनाएं इत्यादि**

हिमाचल प्रदेश हाई कोर्ट

NOTIFICATIONS

Simla, the 22nd May, 1976

No. HHC/GAZ/14-39/74-2593.—The Hon'ble the Chief Justice and Judges are pleased to grant 12 days earned leave with effect from 20th April to 1st May, 1976 (both days inclusive) with permission to suffix Sunday falling on 2nd May, 1976 to Shri Rup Lal Raghu, Judicial Magistrate-cum-Sub-Judge, Una district, Una, Himachal Pradesh.

Certified that Shri Rup Lal Raghu would have continued to officiate as Judicial Magistrate-cum-Sub-Judge, but for his proceeding on leave.

Also certified that after the expiry of the above leave Shri Rup Lal Raghu has joined the same station from where he proceeded on leave.

Simla, the 22nd May, 1976

No. HHC/GAZ/3-10/71-2598.—The Hon'ble the Chief Justice is pleased to grant 19 days earned leave subject to title with effect from 18th May to 5th June, 1976, with permission to suffix Sunday falling on 6th June, 1976 to Shri R. C. Malhotra, Deputy Registrar of this Court.

Certified that Shri R. C. Malhotra, would have continued to officiate as Deputy Registrar but for his proceeding on leave during the above period.

It is also certified that Shri R. C. Malhotra is likely to return to the same station from where he proceeded on leave.

Simla, the 26th May, 1976

No. HHC/GAZ/14-17/74-2670.—The Hon'ble the Chief Justice and Judge are pleased to accord *ex-post-facto* sanction of the following leave subject to title in favour of Shri R. L. Khurana, Senior Sub-Judge-cum-Chief Judicial Magistrate, Una.

1. 12 days earned leave w. e. f. 17th February, 1976 to 28th February, 1976 (both days inclusive).
2. 17 days earned leave w. e. f. 15th March, 1976 to 31st March, 1976 (both days inclusive).

Certified that Shri R. L. Khurana would have continued to work as Senior Sub-Judge-cum-Chief Judicial Magistrate but for his proceeding on leave during the above period of leave.

Also certified that after expiry of the above leave Shri R. L. Khurana joined the same station from where he proceeded on leave.

By order,
S. S. KANWAR,
Registrar.

हिमाचल प्रदेश सरकार

PERSONNEL DEPARTMENT

NOTIFICATIONS

Simla-171002, the 22nd May, 1976

No. 8-155/71-DP(Applt. II).—In exercise of the powers conferred by section 5 of the Electricity (Supply) Act, 1948 and in supersession of this Department notification of even number, dated the 5th March, 1976, the Governor, Himachal Pradesh is pleased to appoint Shri W.F. De Souza as Member (Electrical), Himachal Pradesh State Electricity Board, Simla with immediate effect.

Simla-2, the 25th May, 1976

No. 3-21/73-DP-Applt. (I).—The Governor, Himachal Pradesh is pleased to accord sanction to the grant of 14 days earned leave in favour of Shri Dev Swarup, I.A.S., Sub-Divisional Officer (Civil), Sunder Nagar, District Mandi w. e. f. 24th May, 1976 to 6th June, 1976 or date of availing, subject to verification of title to leave by the Accountant General, Himachal Pradesh.

2. Certified that Shri Dev Swarup will return to duty to the station from which he proceeds on leave.

3. It is also certified that Shri Dev Swarup would have continued to officiate as Sub-Divisional Officer (Civil), but for his proceeding on earned leave.

L. HMINGLIANA TOCHHAWNG,
Chief Secretary.

Simla-171002, the 25th May, 1976

No. 5-1/72-DP-Applt. (A-I).—The Governor, Himachal Pradesh is pleased to declare the *ex-cadre* post of Additional General Manager, Himachal Road Transport Corporation as equivalent in status and responsibilities to the post of Joint Secretary to the Government of Himachal Pradesh which is included in the schedule of the I.A.S. (Fixation of Cadre Strength) Regulation, 1956 as required under rule 9 of the I.A.S. (Pay) Rules, 1954.

Simla-2, the 26th May, 1976

No. 3-19/71-Applt.—In continuation of this department's notification of even number, dated the 15th March, 1976, the Governor, Himachal Pradesh is pleased to accord sanction to the grant of extension of earned leave by 35 days with effect from 8th May, 1976 to 11th June, 1976, with permission to suffix holidays falling on 12th and 13th June, 1976 in favour of Shri Dhani Ram, I.A.S., Joint Director of Industries, Himachal Pradesh, subject to verification of title to leave by the Accountant General, Himachal Pradesh.

2. Certified that Shri Dhani Ram would have continued to officiate as Joint Director of Industries, Himachal Pradesh but for his proceeding on earned leave.

3. Certified that Shri Dhani Ram will return to duty to the same station from which he proceeds on leave.

4. The Governor, Himachal Pradesh is further pleased to order that Shri Hem Chand, Joint Director of Industries (RIP) will continue to hold the charge of Shri Dhani Ram, in addition to his own during the absence on leave of Shri Dhani Ram.

SUNEETA MUKHERJEE,
Deputy Secretary.

Simla-2, the 29th May, 1976

No. 1-15/73-DP (APTT) (II).—The Governor, Himachal Pradesh is pleased to order the following appointments/postings/transfers in public interest:—

1. Shri K.C. Pandeya, IAS (H.P.) on his reversion from deputation with Government of India, is appointed as Financial Commissioner, Himachal Pradesh vice Shri P.K. Mattoo;
2. on being relieved by Shri K.C. Pandeya, Shri P.K. Mattoo, IAS (HP), Financial Commissioner, Himachal Pradesh is posted as Commissioner & Secretary to Government of Himachal Pradesh vice Shri Anang Pal; and
3. On being relieved by Shri P.K. Mattoo, Shri Anang Pal, I.A.S. (HP) Commissioner and Secretary to Government of Himachal Pradesh is posted as Secretary (Finance) to Government of Himachal Pradesh.

L. HMINGLIANA TOCHHAWNG,
Chief Secretary.

AGRICULTURE DEPARTMENT

NOTIFICATION

Simla-171002, the 7th February, 1976

No. 6-1/74-Agr. (Sectt).—The Governor, Himachal Pradesh, is pleased to order that sub-rule (xii) of Rule 3 of the Himachal Pradesh Land Development Rules, 1973, issued vide notification No. 6-1/73-Agr. (Sectt.), dated 26-7-1973, shall be substituted as under:

"The payment of travelling and other allowances to non-official members and non-official special invitees shall be regulated as per procedure laid down in Appendix 'J' to the Rules".

By order,
B. K. SHARMA,
Secretary.

ANNEXURE "J"

(T.A. TO NON-OFFICIAL MEMBERS OF LAND DEVELOPMENT COMMITTEE)

1. TRAVELLING ALLOWANCE:

(i) JOURNEY BY RAIL—

(a) *Member of Parliament.*—A member of Parliament serving on the Committee will utilise the free first class fare issued to him as member of Parliament in respect of all journeys undertaken by him on the business of the Committee. He will not travel by air conditioned accommodation at Government expenses. If such a member travels by air conditioned coach, he will pay the difference between the fare for the air conditioned and first class accommodation from his own pocket.

(b) *Members other than member of Parliament.*—They will be treated at par with Government servants of the first grade, and will be entitled to actual rail fare of the class if accommodation actually

used but not exceeding the fare in which the Government servants of the First grade are normally entitled i.e. accommodation of the highest class by whatever name it may be called provided on the railway by which the journey is performed.

(ii) JOURNEY BY ROAD—

The will be entitled to actual fare for travelling by taking a single seat in a public bus, and the journey is performed by motor cycle/scooters, mileage allowance at 20 paise per km. and if the journey is performed by engaging full taxi/own car, the members will be entitled to mileage allowance at 60 paise per km. (which rates are inclusive of the elements of 33½ per cent increase for Himachal Pradesh).

(iii) In addition to the actual fare or mileage as per item (i) and (ii) above, a member shall draw daily allowance for the entire absence from his permanent place of residence starting with departure from that place and ending with arrival at the place, at the same rate and subject to the same terms and conditions as apply to grade I officers of the State Government.

2. DAILY ALLOWANCE:

(i) Non-official members be entitled to draw daily allowance for each day of the meeting at the highest rate as admissible to a Government servant of the First Grade for the respective locality.

(ii) In addition to daily allowance for the day(s) of the meeting, a member shall also be entitled to daily allowance for halt on tour at out station in connection with the affairs of the committee as under:—

(a) If the absence from headquarters does not exceed 6 hours	30%
(b) If the absence from Headquarters exceeds 6 hours but does not exceed 12 hours	50%
(c) If the absence from headquarters exceeds 12 hours	Full

3. CONVEYANCE ALLOWANCE:

A member resident at a place where the meeting of the Committee is held will not be entitled to travelling and daily allowances on the scales indicated above, but will be allowed only the actual cost of conveyance hire, subject to a maximum of Rs. 10.00 per day. Before, the claim is actually paid the controlling officer should verify the claims and satisfy himself after obtaining such details as may be considered necessary, that the actual expenditure was not less than the amount claimed.

If such a member used his own car, he will be granted mileage allowance at the rates admissible to officials of the First Grade subject to a maximum of Rs. 10.00 per day.

4. The travelling and daily allowance will be admissible to a member on production of a certificate by him to the effect that he has drawn any travelling or daily allowance for the same journey and halts from any other Government source.

5. The members will be eligible for travelling allowance for the journeys actually performed in connection with

the meetings of the Committee from and to the place of their permanent residence to be named in advance. If any member performs a journey from a place other than the place of his permanent residence to attend a meeting of the Committee or returns to the place other than the place of his permanent residence after the termination of the meeting, travelling allowance shall be worked out on the basis of the distance actually travelled or the distance between the place of permanent residence and the venue of the meeting whichever is less.

6. MEMBER OF PARLIAMENT:

The member of Parliament on the Committee in respect of journeys performed by him, Rail, Road, Air and Steamer in connection with the work of committee shall, be entitled to T.A./D.A. on the same scale as is admissible to him under salaries and allowances of Members of Parliament Act as amended from time to time.

7. MEMBERS OF VIDHAN SABHA:

The non-official members who are members of the Vidhan Sabha shall be entitled to T.A./D.A. in respect of journeys performed in connection with the work of the Committee on the scale as is admissible to them under salaries and allowances of Members of Legislative Assembly Act as amended from time to time.

8. The members will not be entitled to daily allowance in connection with their assignment, when the Vidhan Sabha or the Vidhan Sabha Committee on which the members are serving is in session as they will be drawing their daily allowance under the Salaries and Allowances of Members of the Legislative Assembly (H.P.), Act, 1971, from the Vidhan Sabha. However, if they certify, that they were prevented from attending the session of the House or the Vidhan Sabha Committee and did not draw any daily allowance from the Vidhan Sabha, they would be entitled to daily allowance at the rate as prescribed.

9. The provisions of rule 4.17 and 6.1 of the Himachal Pradesh Treasury Rules will apply *mutatis mutandis* in the case of overpayment made on account of Travelling Allowance to non-official members.

10. The member will also not draw T.A. and D.A. including conveyance allowance which will disqualify them from the Vidhan Sabha.

11. The Director of Agriculture, Himachal Pradesh will be the controlling officer in regard to the countersigning the travelling allowance bills of the non-official members and the travelling allowance bills will be prepared in the Directorate of Agriculture, Himachal Pradesh.

12. The expenditure will be debitible to head "307—Soil and Water Conservation (Plan) (a) Soil Conservation Scheme (a)(iv) Soil Conservation on Agricultural Lands (Agricultural Department) Travel Expenses".

Simla-171002, the 20th March, 1976

No.6-3/73-Agr.(Sectt).—In exercise of the powers vested in him under section 8 of the Himachal Pradesh Tractor Cultivation (Recovery of Charges) Act, 1972, the Governor of Himachal Pradesh is pleased to make the following amendments in the Himachal Pradesh Tractor Cultivation (Recovery of Charges) Rules, 1973, issued *vide* this Government notification No.6-3/73-Agr. (Sectt.), dated 27th December, 1973 published in the Rajpatra Himachal Pradesh dated 16th February, 1974:—

1. Short title and commencement.—(1) These may be

called the Himachal Pradesh Tractor Cultivation (Recovery of Charges) (First Amendment) Rules, 1976.

(ii) These shall come into force at once.

2. *Amendment of rule 3.*—In rule 3 of the Himachal Pradesh Tractors Cultivation (Recovery of Charges) Rules, 1973, (hereinafter called "the said rules") after the words "the availability of tractors" and before the sign, full stop, occurring at the end, the words, "with a copy of such certificate to the applicant" shall be inserted.

3. *Amendment of rule 4.*—In rule 4 of the said rules the following amendments shall be made, namely:—

(a) in sub-rule (i), the words "However, before making such deposit the applicant should ascertain the availability of tractor (s) from the officer-in-charge in writing" shall be committed; and

(b) in sub-rule (iv) the word "deposit" shall be substituted with words "deposit receipt".

4. *Substitution of rule 5.*—For the existing rule 5, of the said rules, the following rule 5 shall be substituted, namely:—

"5(i). The charges for tractor cultivation by various types of tractors and transportation of such tractors from garage to place of use will be as under:—

SHIKSHA VIBHAG

(TAKNIKI SHIKSHA)

NOTIFICATION

Simla-2, the 15th March, 1976

No.15-48/71-Edu.B(TE).—On the recommendations of the Departmental Promotion Committee, the Governor, Himachal Pradesh is pleased to confirm Shri R. K. Aggarwal against the post of Director, Technical Education, Himachal Pradesh, in the pay scale of Rs. 1600—2000, with effect from the 6th August, 1975.

By order,
B. B. TANDON,
Sachiv.

Simla, the 21st May, 1976

No. EDN-II-B(2)-2/75.—On the recommendations of the Himachal Pradesh, Public Service Commission, the Governor, Himachal Pradesh, is pleased to appoint Shri Subhash Chander Mata, Demonstrator (Mechanical) Government Polytechnic, Hamirpur, in the pay scale of Rs. 200—450 plus Rs. 50/- p.m. as special pay, as Lecturer in Mechanical Engineering, Government Polytechnic, Hamirpur, in the pay scale of Rs. 400-30-700/40-1100 plus Rs. 100/- p.m. as special pay, with effect from the 3rd May, 1976 (A.N.), the date on which he took over charge of the post, on the terms and conditions contained in this Department Memorandum of even number dated the 28th/29th April, 1976.

2. The Governor, Himachal Pradesh, is further pleased to order the transfer and posting of Shri Subhash Chander Mata, Lecturer in Mechanical Engineering, Government Polytechnic, Hamirpur, to Government Polytechnic, Sundernagar, with immediate effect, in the public interest.

B. B. TANDON,
Sachiv.

FOREST DEPARTMENT

NOTIFICATION

Simla-171002, the 27th May, 1976

No. 12-15/75-SF.—In exercise of the powers conferred by section 32 of the Indian Forest Act, 1927 which has been applied to the land specified in the schedule appended to the Himachal Pradesh Government Notification of even number 12-15/75-SF, dated 27-4-1976 and all other powers enabling him in this behalf, the Governor of Himachal Pradesh is pleased to direct that the following rules shall apply to the said land:—

RULES

1. No person shall cut/fell or lop any trees for any purpose whatsoever or remove any forest produce, provided that, subject to rules 3 below the owners may fell and remove trees, timber and other forest produce for their own domestic and agricultural purposes.
2. Subject to the approval of the Divisional Forest Officer, Nahan Forest Division the owners may fell trees, provided that the trees have first been marked by the Divisional Forest Officer.
3. No living trees standing within 30 feet of the bank of any stream or torrent bed shall be felled for any purpose whatsoever.
4. No person shall herd, pasture, graze or retain sheep, goats, camels, or other cattle on the land specified in the schedule annexed to Himachal Pradesh Government notification of even number, dated 27-4-1976, provided that in such area where the forest crop is well established and in cases of emergency such as abnormal drought or floods, the Divisional Forest Officer, Nahan Forest Division may throw open such area or areas for grazing or the cattle of the land-owners except sheep, goats and camels on such conditions as may be appropriate in each case.
5. No person shall clear or break up land for cultivation or other purposes, provided that if in the opinion of the Divisional Forest Officer Nahan Forest Division land is sufficiently protected from damage by flood and erosion the owners may cultivate the land to the extent permitted by him.
6. No person shall cut or remove grass, provided that the owners may cut grass for their own use or allow its sale with the approval of and within the period allowed by the Divisional Forest Officer, Nahan Forest Division on the condition that grass is cut above ground with a drati only (rate to be fixed to allow scattering of ripe grass seed).
7. No person shall set fire to grass/trees or timber, or kindle a fire on the land without taking reasonable precautions to prevent its spreading.
8. The quarrying of stone or the burning of lime at places where such stone or lime has not ordinarily been so quarried or burnt prior to the publication of the Himachal Pradesh Government Notification of even number, dated 27-4-1976 shall be prohibited except with the permission of the Collector of Sirmur District who will consult the Divisional Forest Officer, Nahan Forest Division before according such permission.

9. Income from composition of offences against these rules under section 68 of the Indian Forest Act, 1927 shall be credited to the Government.

Sd/-
Secretary.

GENERAL ADMINISTRATION DEPARTMENT

(SECTION—D)

NOTIFICATIONS

Simla-171002, the 19th March, 1976

No. 6-13/74-GAD(Pub.).—On the recommendations of the Departmental Promotion Committee, the Governor, Himachal Pradesh is pleased to confirm Shri I.N. Kaila against the post of Technical Officer (Sound) Gazetted Class-II in the scale of Rs. 300—800 under the Department of Public Relations, Himachal Pradesh, with effect from the 13th August, 1975.

Simla-171002, the 29th May, 1976

No. GAD (D)-B (15)-12/76 (Pub.).—The Governor, Himachal Pradesh, is pleased to allow, under Rule 25 of the Fundamental Rules, Shri Avtar Krishan Kalia, Public Relations Officer (Songs & Drama), to cross the efficiency bar at the stage of Rs. 590/- in the scale of Rs. 350-25-500-30-590/30-830-35-900, raising his pay to Rs. 650/- per mensem with effect from 1st January, 1976.

B. D. SHAUNAK,
Under Secretary.

HEALTH AND FAMILY PLANNING DEPARTMENT

NOTIFICATIONS

Simla-171002, the 24th March, 1976

No. H&FP-B-3-18/76.—On the recommendations of Himachal Pradesh Public Service Commission, the Governor, Himachal Pradesh, is pleased to appoint Dr. Davinder Kumar Oberoi as Civil Assistant Surgeon grade I (G.D.O.II) in the scale of Rs. 400-30-700/40-1100 with effect from 22-1-1976 (F.N.). He will be on probation for a period of two years.

Simla-171002, the 19th May, 1976

No. 1-121/70 H&FP.—On the recommendation of Departmental Promotion Committee, the Governor, Himachal Pradesh, is pleased to confirm Late Dr. L.D. Garg, Assistant Professor, Orthopaedic Surgery in Himachal Pradesh Medical College, Simla in the pay scale of Rs. 900-50-1100/50-1300 with effect from 4-9-1975.

S. S. NEGI,
Deputy Secretary.

INDUSTRIES DEPARTMENT
NOTIFICATIONS

Simla-171002, the 19th March, 1976

No. 5-44/75-SI(KB).—The Governor, Himachal Pradesh is pleased to nominate the Director of the Khadi and Village Industries Commission, Parry's Hotel P. B. No. 34, Ambala Cantt. as Fifth Member on the State Level Committee constituted *vide* this Department Notification No. 5-44/75-SI(KB), dated the 6th January, 1976.

Simla-171002, the 25th March, 1976

No. 2-130/69-SI(Vol. II).—In continuation of this Department Notification No. 2-130/69-SI, dated 12/17th August, 1974 and in pursuance of sections 4, 5 and 6 of the Himachal Pradesh Khadi and Village Industries Board Act, 1966, the Governor of Himachal Pradesh is pleased to appoint Shri Gopi Ram, an ex-M.L.A., as the Seventh non-official member of the aforesaid Board with immediate effect.

Simla-2, the 25th March, 1976

No. 4-9/71-SI(FC)-II.—The Governor, Himachal Pradesh, is pleased to nominate Shri L. Hminglana Tochhawng, Chief Secretary to the Government of Himachal Pradesh, as Director on the Board of Directors of Himachal Pradesh Financial Corporation, vice Shri U.N. Sharma, with immediate effect.

Simla-171002, the 27th March, 1976

No. 2-125/69-SI(MIDC)-II.—The Governor, Himachal Pradesh is pleased to order the transfer of shares in the Himachal Pradesh Mineral and Industrial Development Corporation as underwithimmediate effect.

From *To*

(i) Shri U.N. Sharma, formerly Chief Secretary.	Shri L. Hminglana Tochhawng, Chief Secretary to Government of Himachal Pradesh.
(ii) Miss Renu Sahni, formerly Joint Secretary (Industries).	Shri Swatantra Singh, Deputy Secretary (Industries).

2. The Governor, Himachal Pradesh is further pleased to order that Shri P. K. Mattoo, Financial Commissioner, Himachal Pradesh will continue to hold the shares of the Himachal Pradesh Mineral and Industrial Development Corporation which he was holding as Secretary (Industries) to Himachal Pradesh Government.

CERTIFICATE OF APPROVAL

Simla-2, the 31st March, 1976

No. Ind.(VI)(F)(12)(8)/76.—This is to certify that Shri Jati Ram Sharma Village Shamah, P.O. Dugana, Tehsil Paonta, District Sirmur, Himachal Pradesh is approved as a person who is qualified to acquire Prospecting Licence and Mining Lease in respect of Minerals except Petroleum and Natural Gas in the State of Himachal Pradesh under the Mineral Concession Rules, 1960.

2. This Certificate is valid upto 31st December, 1976.

NOTIFICATION

Simla-171002, the 26th May, 1976

No. 9-41/75-SI(FC).—In partial modification of this Department notification number 9-41/75-SI-FC (IV), dated the 12th/14th January, 1976 and in pursuance of sub-section 2(b) of section 7 of the State Financial Corporation Act, 1951 (63 of 1951), the Himachal Pradesh Government hereby authorises the Himachal Pradesh Financial Corporation to obtain a credit limit of Rs. 54.00 lakhs (Rupees fifty four lakhs only) from the Reserve Bank of India against issue of *ad hoc* bonds of the face value of Rs. 60.00 lakhs (Rupees Sixty lakhs only), maturing within a period of twelve months from the date of availing of the limit and carrying interest at the rate of nine per cent per annum.

2. In pursuance of sub- section (I) of section 7 of the State Financial Corporations Act, 1951 (63 of 1951), the Himachal Pradesh Government hereby guarantees the repayment of principal amount the payment of interest thereon in respect of above bonds to be executed by the Himachal Pradesh Financial Corporation. This guarantee will remain in force for a period of six months from the date of maturity of bonds.

By order,
ANANG PAL,
Secretary.

LABOUR AND EMPLOYMENT DEPARTMENT CORRIGENDUM

Simla-171002, the 26th March, 1976

No 10-65/73-SI(MW).—The words “Minister, Labour, Employment and Training Department” shall be substituted for the words “Forest Minister,” occurring in this Department Notification of even number dated the 25th January, 1975.

ANANG PAL,
Secretary.

NOTIFICATION

Simla-171002, the 29th March, 1976

No. 7-66/75-LEP-Shram.—Whereas the Governor, Himachal Pradesh is of the opinion that an industrial dispute exists between a workman namely Shri Suresh Kumar and the management of Bassi Power House (Construction Division) Jogindernagar, regarding the matter hereinafter appearing,

and whereas, the Governor, Himachal Pradesh considers it desirable to refer the dispute for adjudication:

Now, therefore, in exercise of the powers conferred by clause (e) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Governor of Himachal Pradesh hereby refers to the Labour Court, Himachal Pradesh, Simla constituted under section 7 of the Industrial Disputes Act, 1947, the matter specified below for adjudication:—

Whether the action of the Resident Engineer, Bassi Power House Division, H.P.S.E.B., Jogindernagar in terminating the services of Shri Suresh Kumar Mason without conducting any enquiry and issuing any termination order is justified? If not, to what relief and exact amount of compensation he is entitled to?

By order,
ANANG PAL,
Secretary.

PUBLIC WORKS DEPARTMENT

NOTIFICATION

Simla-171002, the 19th March, 1976

No. PBW-II-A(2)-2/76.—The Governor of Himachal Pradesh, is pleased to constitute the State Level Committee on Environmental Planning and Co-ordination consisting of the following:—

(1) Chief Minister	.. Chairman
(2) Public Works Minister (in respect of Public Works including Engineering and Health Departments)	.. Member
(3) Agriculture Minister (in respect of Agriculture, Industries, Fisheries and Housing Departments)	.. Member

(4) Raja Vir Bhadra Singh, Member of Parliament	Member
(5) Shri Chandervarker, M.L.A.	Member
(6) Shri Vidya Dhar, M.L.A.	Member
(7) A representative of the Government of India	Member
(8) Chairman, H.P. Handloom and Handicraft Corporation and Member Housing Board	Member
(9) Chief Secretary and Chairman Mineral and Industrial Development Corporation.	Member
(10) Vice-Chancellor, H.P. University, (in respect of the Scientific Research)	Member
(11) Financial Commissioner, Himachal Pradesh	Member
(12) Agricultural Production Commissioner, Himachal Pradesh	Member
(13) Secretary (Public Works) to the Government of Himachal Pradesh	Member
(14) Secretary Forests and Industries to the Government of Himachal Pradesh	Member
(15) Chief Conservator of Forests (South) Himachal Pradesh	Member
(16) Dean of Agriculture Research, Himachal Pradesh University	Member
(17) Director of Health Services, Himachal Pradesh	Member
(18) General Manager, Himachal Road Transport Corporation	Member
(19) Administrator, Municipal Corporation, Simla	Member
(20) Director of Fisheries, Himachal Pradesh	Member
(21) Warden Wild Life, Himachal Pradesh	Member
(22) Chief Engineer (South H.P., P.W.D.,	Secretary

2. The functions of the Committee shall be as follows:-

- (1) to lay down general principles and policies for the environment that fit in with different programmes of the development with a view to prevent or minimise environmental degradation;
- (2) to co-ordinate industrial, agricultural and Civic activities; and
- (3) to create greater public awareness by building an "Environmental information system."

GANGESH MISRA,
Secretary.

Simla-171002, the 2nd April, 1976

Nurpur-Talwara road (section Thehar Samkar) in District Kangra. It is hereby notified that the land in locality described below is likely to be required for the above purpose.

This notification is made under provision of section 4 of Land Acquisition Act, 1894 to all whom it may concern.

In exercise of powers conferred by the aforesaid section, the Governor of Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of land in the locality may within thirty days(30) of the publication of this notification file an objection in writing before the land acquisition Collector, HP. PWD., Kangra.

SPECIFICATION

Distict: KANGRA Tehsil: DEHRA

Tikka	Khasra No.	Area K. M.
SAMKAR	1/1, 118/1, 143, 144/1, 145/1, 158/1, 160/1, 162/1, 164/1, 165/1, 166/1, 167/1, 173/1, 174/1, 175, 176, 177/1, 178/1, 179/1, 180/1, 181/1, 183/1, 184/1, 193/1, 194/1, 196/1, 198/1, 199/1, 200/1, 201/1, 206/1, 290/1, 386/1, 387/1, 393/1, 394/1, 395/1, 397/1, 400/1, 404/1, 412/1, 413/1, 414/1, 415/1, 416/1, 417/1, 418/1, 420/1, 423/1, 424/1, 490/1, 597/1, 622/1, 623/1, 631/1, 632/1, 633/1, 647/1, 654/1, 655/1, 656/1, 657/1, 666/1, 685/1, 686/1, 689/1, 690/1, 691/1, 692/1, 776/1, 877/1, 778/1, 779/1, 780/1, 799/1.	140 18
JAGNOLI	507/1, 508/1, 517/2, 518/2, 592/1, 593/1, 594/1, 595/1, 597/1, 613/1, 614/2, 617/1, 618, 619/1, 620/1, 621/1, 634/1, 635/1, 635/2, 638/1, 639/1.	64 14
THEHAR	1/1, 8/1, 9/1, 15/1, 16/1, 19/1, 20/1, 21/1, 32/1, 23/1, 24/1, 25/1, 26/1, 27/1, 28/1, 29/1, 319/1, 325/1, 327/1, 328/1, 1243/329/1, 1244/329/1, 331/1, 332/1, 335/1, 336/1, 338/1, 339/1, 341/1, 1417/371/1, 1418/371/1, 372/1, 1424/378/1, 1425/378/1, 381/1, 383/1, 384/1, 385/1, 388/1, 1407, 389/1, 396/1, 1212/398/1, 1213/398/1, 1214/1, 398/1, 399/1, 400/1.	82 17
	Total area .. 288 9	

No. 9-13/73-PW(B).—Whereas it appears to the Governor of Himachal Pradesh that land is likely to be required to be taken by Government at public expense for a public purpose, namely for the construction of

By order,
GANGESH MISRA,
Commissioner-cum-Secretary.

REVENUE DEPARTMENT

NOTIFICATIONS

Simla-2, the 27th/31st, May, 1976.

No. 1-8/68-Rev.I.—In partial modification of this department notification (b) even number, dated the 27th/29th September, 1975 and in exercise of the powers vested in him under sub-section (1) of section 93 of Himachal Pradesh Tenancy and Land Reforms Act, 1972 (Act No. 8 of 1974), and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to appoint all the Sub-Divisional Officers (Civil) in Himachal Pradesh, being Assistant Collectors first grade, as Land Reforms Officers for carrying out the purposes of Chapters IX and X of the aforesaid Act.

Simla-2, the 28th May, 1976

No. 1-8/68-Rev. I.—In exercise of the powers vested in him under clause (b) of sub-section (1) of section 28 of the Himachal Pradesh Land Revenue Act, 1953 (Act No. 6 of 1954), and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to confer upon Shri Jaswant Singh Naib-Tehsildar

(partition), the powers of Assistant Collector second grade to be exercised by him for the purposes of the said Act within the local limits of Sirmur district, with immediate effect.

Simla-2, the 29th May, 1976

No. 2-49/67-Rev. I.—In exercise of the powers vested in him under clause (b) of sub-section (1) of section 28 of the Himachal Pradesh Land Revenue Act, 1953 (Act No. 6 of 1954), and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to confer on Shri Balwant Rai Sharma, Tehsildar, posted as Tehsildar Recovery with the Municipal Corporation, Simla, the powers of Assistant Collector First Grade under the said Act, to be exercised by him within the local limits of Simla Municipal Corporation as notified from time to time, from the date of his taking over the charge of the said post.

By order,
P. K. MATTOO,
Secretary.

भाग 2—व्याधानिक नियमों को छोड़ कर वार्तालन विभागों के अध्यक्षों और ज़िला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्याव

INDUSTRIES DEPARTMENT

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935/1971

Dharamsala, the 7th May, 1976

No. Ind. (Loans)/L/DIO/730-7269.—Whereas a notice was served on Shri Rijha Ram s/o Shri Sohanu Ram, Village Balera, P. O. Surani, Tehsil Dehra (Kangra) on 30-5-75, under section 23 of the Punjab State Aid to Industries Act, 1935/1971 calling upon the said Shri Rijha Ram to pay to me the sum of Rs. 260/- as principal with interest thereon @ Rs. 3 per cent per annum from 19-3-72 till date of final payment and whereas the said sum has not been paid in full, I hereby declare the sum of Rs. 260/- as principal with further interest thereon @ Rs. 7½ per cent per annum from 19-3-72 till date of final payment is due from the said Shri Rijha Ram and that property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name including book debts, stocks, shares and premises, machinery and equipment whether existing or to be purchased with the aid of loan or a part thereof and any other personal security of the loanee or sureties Shri Rijha Ram s/o Shri Sohanu Ram against C.W.C.

P. K. BHARDWAJ,
District Industries Officer,
Kangra at Dharamsala.

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935/1971

Dharamsala, the 7th May, 1976

No. Ind. (Loans)/L/DIO/595-7265.—Whereas a notice was served on Shri Lakshmi Chand s/o Shri Tukhar

Chand, Village Dhaneri, P. O. Sanghol, Tehsil Palampur (Kangra) on 25-4-75 under section 23 of the Punjab State Aid to Industries Act, 1935/1971 calling upon the said Shri Lakshmi Chand to pay to me the sum of Rs. 520/- as principal with interest thereon @ Rs. 3 per cent per annum from 4-5-69 till date of final payment and whereas the said sum has not been paid in full, I hereby declare the sum of Rs. 520/- as principal with further interest thereon @ Rs. 7½ per cent per annum from 4-5-69 till date of final payment is due from the said Shri Lakshmi Chand and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name including book debts, stocks, shares and premises, machinery and equipment whether existing or to be purchased with the aid of loan or a part thereof and any other personal security of the loanee Shri Lakshmi Chand against C.W.C.

P. K. BHARDWAJ,
District Industries Officer,
Kangra at Dharamsala.

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935/1971

Dharamsala, the 7th May, 1976

No. Ind. (Loans)/L/DIO/330-7279.—Whereas a notice was served on Shri Rao Ram s/o Shri Jog Raj, Village and Tikka Bhangar, P.O. Maranda, Tehsil Palampur Kangra on 9-2-76, under section 23 of the Punjab State Aid to Industries Act, 1935/1971 calling upon the said Shri Rao Ram to pay to me the sum of Rs. 700/- as principal with interest thereon @ Rs. 3 per cent per

annum from 29-4-66 till date of final payment and whereas the said sum has not been paid in full, I hereby declare the sum of Rs. 700 as principal with further interest thereon @ Rs. 7½ per cent per annum from 29-4-66 till date of final payment is due from the said Shri Rao Ram s/o Shri Jog Raj and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name including book debts, stocks, shares and premises, machinery and equipment whether existing or to be purchased with the aid of loan or a part thereof and any other personal security of the loanee or sureties S/Shri Amir Chand, Kirpal Singh against sureties.

P. K. BHARDWAJ,
District Industries Officer,
Kangra at Dharamsala.

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935/1971

Dharamsala, the 7th May, 1976

No. Ind. (Loans)/L/DIO/729-7273.—Whereas a notice was served on Shri Chaudhri Ram s/o Shri Pheu Ram, Village and P. O. Kathog, Tehsil Dehra (Kangra) on 30-5-75 under section 23 of the Punjab State Aid to Industries Act, 1935/1971 calling upon the said Shri Chaudhri Ram to pay to me the sum of Rs. 1,000 as principal with interest thereon @ Rs. 3% per annum from 19-3-71 till date of final payment and whereas the said sum has not been paid in full, I hereby declare the sum of Rs. 1,000 as principal with further interest thereon @ Rs. 7½% per annum from 19-3-71 till date of final payment is due from the said Shri Chaudhri Ram and that property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name including book debts, stocks, shares and premises, machinery and equipment whether existing or to be purchased with the aid of loan or a part thereof and any other personal security of the loanee or sureties S/Shri Hari Chand, Hira Lal against sureties.

P. K. BHARDWAJ,
District Industries Officer,
Kangra at Dharamsala.

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935/1971

Dharamsala, the 7th May, 1976

No. Ind. (Loans)/L/DIO/134-7255.—Whereas a notice was served on Shri Behari Lal s/o Shri Duloo Ram, Vill. & P. O. Nagrotta Bagwan, Tehsil and District Kangra, on 20-1-67, under section 23 of the Punjab State Aid to Industries Act, 1935/1971 calling upon the said Shri Behari Lal to pay to me the

sum of Rs. 500 as principal with interest thereon at the rate of Rs. 3% per annum from 6-3-64 till date of final payment and whereas the said sum has not been paid in full, I hereby declare the sum of Rs. 500 as principal with further interest thereon at the rate of Rs. 7½% per annum from 6-3-64 till date of final payment is due from the said Shri Behari Lal and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name including book debts, stocks, shares and premises, machinery and equipment whether existing or to be purchased with the aid of loan or a part thereof and any other personal security of the loanee or sureties S/Shri Prem Lal, Shakti Chand, against sureties.

P. K. BHARDWAJ,
District Industries Officer,
Kangra at Dharamsala.

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935/1971

Dharamsala, the 7th May, 1976

No. Ind. (Loans)/L/DIO/567-7243.—Whereas a notice was served on Shri Chalku Ram s/o Shri Gulaba Ram, Vill. & P. O. Barote, Teh. Nurpur, District Kangra on 28-12-75 under section 23 of the Punjab State Aid to Industries Act, 1935/1971 calling upon the said Shri Chalku Ram to pay to me the sum of Rs. 250 as interest with interest thereon at the rate of Rs. 3% per annum from 3-11-64 till date of final payment and whereas the said sum has not been paid in full, I hereby declare the sum of Rs. 250 as interest with further interest thereon at the rate of Rs. 7½% per annum from 3-11-64 till date of final payment is due from the said Shri Chalku Ram and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name including book debts, stocks, shares and premises, machinery and equipment whether existing or to be purchased with the aid of loan or a part thereof and any other personal security of the loanee or sureties S/Shri Chalku Ram s/o Shri Gulaba Ram, against C. W. C.

P. K. BHARDWAJ,
District Industries Officer,
Kangra at Dharamsala.

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935/1971

Dharamsala, the 7th May, 1976

No. Ind. (Loans)/L/DIO/334-7251.—Whereas a notice was served on Shri Shonki Ram s/o Shri Swaru Ram Girth, Vill. Saddarpur, P. O. Kangra (Kangra),

on 28-4-69, under section 23 of the Punjab State Aid to Industries Act, 1935/1971 calling upon the said Shri Shonki Ram to pay to me the sum of Rs. 130 as principal with interest thereon at the rate of Rs. 3% per annum from 21-3-68 till date of final payment and whereas the said sum has not been paid in full, I hereby declare the sum of Rs. 130 as principal with further interest thereon at the rate Rs. 7½ per cent per annum from 21-3-68 till date of final payment is due from the said Shri Shonki Ram and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name including book debts, stocks, shares and premises, machinery and equipment whether existing or to be purchased with the aid of loan or a part thereof and any other personal security of the loanee or sureties S/Shri Shonki Ram s/o Shri Swaru Ram. Against C. W. C.

P. K. BHARDWAJ,
District Industries Officer,
Kangra at Dharamsala.

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935/71

Dharamsala, the 7th May, 1976

No. Ind. (Loans)/L/DIO/350-7261.—Whereas a notice was served on Shri Bhangu Ram s/o Shri Bantoo Ram, Harijan Vill. Bharoti, P. O. Bharoti Teh. Nurpur, Distt. Kangra on 28-4-69 under section 23 of the Punjab State Aid to Industries Act, 1935/1971 calling upon the said Shri Bhangu Ram to pay to me the sum of Rs. 530 as principal with interest thereon at the rate of Rs. 3 per cent per annum from 24-3-66 till date of final payment and whereas the said sum has not been paid in full, I hereby declare the sum of Rs. 530 as principal with further interest thereon at the rate of Rs. 7½ per cent per annum from 24-3-66 till date of final payment is due from the said Shri Bhangu Ram and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name including book debts, stocks, shares and premises, machinery and equipment whether existing or to be purchased with the aid of loan or a part thereof and any other personal security of the loanee or sureties S/Shri Bhangu Ram, s/o Shri Bantoo Ram Harijan, against C. W. C.

P. K. BHARDWAJ,
District Industries Officer,
Kangra at Dharamsala.

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935/71

Dharamsala, the 14th May, 1976

No. Ind. (Loans)/L/DIO/803/7484-87.—Whereas a notice was served on Shri Shankar Das s/o Shri Shri Godhu Ram

Village & P. O. Barot, Tehsil Nurpur (Kangra) on 1-8-75 under section 23 of the Punjab State Aid to Industries Act, 1935/1971 calling upon the said Shri Shankar Dass to pay to me the sum of Rs. 1,000 as principal with interest thereon @ Rs. 3% per annum from 3-3-68 till date of final payment and whereas the said sum has not been paid in full, I hereby declare the sum of Rs. 1,000 as principal with further interest thereon @ Rs. 7½% per annum from 3-3-68 till date of final payment is due from the said Shri Shankar Dass and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name including book debts, stocks, shares and premises, machinery and equipment whether existing or to be purchased with the aid of loan or a part thereof and any other personal security of the loanee or sureties S/Shri Shankar Dass, against personal sureties.

P. K. BHARDWAJ,
District Industries Officer,
Kangra at Dharamsala.

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935/71

Dharamsala, the 14th May, 1976

No. Ind. (Loans)/L/DIO/804/7480-83.—Whereas a notice was served on Shri Keshar Ram s/o Shri Laloo Ram, Village Surela, P. O. Prol, Tehsil Nurpur, District Kangra on 1-8-75 under section 23 of the Punjab State Aid to Industries Act, 1935/1971 calling upon the said Shri Keshar Ram to pay to me the sum of Rs. 333 as principal with interest thereon @ 3% per annum from 3-3-69 till date of final payment and whereas the said sum has not been paid in full, I hereby declare the sum of Rs. 333 as principal with further interest thereon @ 7½% per annum from 3-3-69 till date of final payment is due from the said Shri Keshar Ram and that property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name including book debts, stocks, shares and premises, machinery and equipment whether existing or to be purchased with the aid of loan or a part thereof and any other personal security of the loanee or sureties S/Shri Keshar Ram against personal sureties.

P. K. BHARDWAJ,
District Industries Officer,
Kangra at Dharamsala.

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935/71

Dharamsala, the 14th May, 1976

No. Ind. (Loans)/L/DIO/450/7476-77.—Whereas a notice was served on Shri Man Chand s/o Shri Kaila Ram, Villag

and P. O. Kandhi, Teh. & District (Kangra) on 24-1-70 under section 23 of the Punjab State Aid to Industries Act, 1935/1971 calling upon the said Shri Man Chand to pay to me the sum of Rs. 840 as principal with interest thereon @ 3% per annum from 6-2-66 till date of final payment and whereas the said sum has not been paid in full, I hereby declare the sum of Rs. 840 as principal with further interest thereon @ Rs. 7½% per annum from 6-2-66 till date of final payment is due from the said Shri Man Chand and that property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name including book debts, stocks, shares and premises, machinery and equipment whether existing or to be purchased with the aid of loan or a part thereof and any other personal security of the loanee or sureties Shri Man Chand s/o Shri Khailu Ram against C. W. C.

P. K. BHARDWAJ,
District Industries Officer,
Kangra at Dharamsala.

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935/71

Dharamsala, the 14th May, 1976

No. Ind. (Loans)/L/DIO/808/7470-75.—Whereas a notice was served on Shri Fquir Chand s/o Shri Bihari Lal, Village and P. O. Paprola, Tehsil Palampur (Kangra) on 1-8-75, under section 23 of the Punjab State Aid to Industries Act, 1935/1971 calling upon the said Shri Fquir Chand to pay to me the sum of Rs. 218 as principal with interest thereon @ Rs. 3% per annum from 8-3-73 till date of final payment and whereas the said sum has not been paid in full, I hereby declare the sum of Rs. 218 as principal with further interest thereon @ Rs. 7½% per annum from 8-3-73 till date of final payment is due from the said Shri Fquir Chand and that property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name including book debts, stocks, shares and premises, machinery and equipment whether existing or to be purchased with the aid of loan or a part thereof and any other personal security of the loanee or sureties S/Shri Jagan Nath, Bihari Lal against sureties.

P. K. BHARDWAJ,
District Industries Officer,
Kangra at Dharamsala.

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935/71

Dharamsala, the 14th May, 1976

No. Ind. (Loans)/L/DIO/811/7526-31.—Whereas a notice was served on Shri Sukh Chain s/o Shri Shaiam Lal, Village Jassu Samula, P. O. Thural, Tehsil Palampur

(Kangra) on 29-7-75 under section 23 of the Punjab State Aid to Industries Act, 1935/1971 calling upon the said Shri Sukh Chain to pay to me the sum of Rs. 900 as principal with interest thereon @ Rs. 3% per annum from 21-3-72 till date of final payment and whereas the said sum has not been paid in full, I hereby declare the sum of Rs. 900 as principal with further interest thereon @ Rs. 7½% per annum from 21-3-72 till date of final payment is due from the said Shri Sukh Chain and that property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name including book debts, stocks, shares and premises, machinery and equipment whether existing or to be purchased with the aid of loan or a part thereof and any other personal security of the loanee or sureties S/Shri Kehar Singh, Sunku Ram against C.W.C.

P. K. BHARDWAJ,
District Industries Officer,
Kangra at Dharamsala.

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935/71

Dharamsala the 14th May, 1976

No. Ind. (Loans)/L/DIO/809/7520-25.—Whereas a notice was served on Shri Amin Chand s/o Late Shri Keshri Singh, Village & P.O. Thural Tehsil, Palampur (Kangra) on 1-8-75 under section 23 of the Punjab State Aid to Industries Act, 1935/1971 calling upon the said Shri Amin Chand to pay to me the sum of Rs. 500 as principal with interest thereon @ Rs. 3% per annum from 9-3-72 till date of final payment and whereas the said sum has not been paid in full, I hereby declare the sum of Rs. 500 as principal with further interest thereon @ Rs. 7½% per annum from 9-3-72 till date of final payment is due from the said Shri Amin Chand and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name including book debts, stocks, shares and premises, machinery and equipment whether existing or to be purchased with the aid of loan or a part thereof and any other personal security of the loanee or sureties S/Shri Kapoor Singh, Barfi Ram, against sureties.

P. K. BHARDWAJ,
District Industries Officer,
Kangra at Dharamsala.

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935/71

Dharamsala, the 14th May, 1976

No. Ind. (Loans) /L/DIO/814/7492-95.—Whereas a notice was served on Shri Phohiya Ram s/o Shri Gorkh Ram, Village and P. O. Baijnath, Tehsil

Palampur (Kangra) on 1-8-75, under Section 23 of the Punjab State Aid to Industries Act, 1935/1971 calling upon the said Shri Phohiya Ram to pay to me the sum of Rs. 350 as principal with interest thereon @ Rs. 3% per annum from 22-3-69 till date of final payment and whereas the said sum has not been paid in full, I hereby declare the sum of Rs. 350 as principal with further interest thereon @ Rs. 7½% per annum from 22-3-69 till date of final payment is due from the said Shri Phohiya Ram and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name including book debts, stocks, shares and premises, machinery and equipment whether existing or to be purchased with the aid of loan or a part thereof and any other personal security of the loanee Shri Phohiya Ram against C.W.C.

P. K. BHARDWAJ,
District Industries Officer,
Kangra at Dharamsala.

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935/71

Dharamsala, the 14th May, 1976

No. Ind. (Loans) /L/DIO/832-7544-49.—Whereas a notice was served on Shri Nandoo Ram s/o Shri Swaroo Ram, Tika Nanooon, P. O. Nanoon, Tehsil Palampur (Kangra) on 16-2-76, under section 23 of the Punjab State Aid to Industries Act, 1935/1971 calling upon the said Shri Nandoo Ram to pay to me the sum of Rs. 250 as principal with interest thereon @ Rs. 3% per annum from 29-3-73 till date of final payment and whereas the said sum has not been paid in full, I hereby declare the sum of Rs. 250 as principal with further interest thereon @ Rs. 7½% per annum from 29-3-73 till date of final payment is due from the said Shri Nandoo Ram and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name including book debts, stocks, shares and premises, machinery and equipment whether existing or to be purchased with the aid of loan or a part thereof and any other personal security of the loanee or sureties S/Shri Pardhan Singh, Fuman Ram against sureties.

P. K. BHARDWAJ,
District Industries Officer,
Kangra at Dharamsala.

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935/71

Dharamsala, the 14th May, 1976

No. Ind. (Loans) /L/DIO/822/7538-43.—Whereas a notice was served on Shri Mast Ram s/o Shri Kirpa Ram,

Village Mugtial, P. O. Jassur, Tehsil Nurpur (Kangra) on 31-3-76, under section 23 of the Punjab State Aid to Industries Act, 1935/1971 calling upon the said Shri Mast Ram to pay to me the sum of Rs. 1,350 as principal with interest thereon @ Rs. 3% per annum from 26-3-70 till date of final payment and whereas the said sum has not been paid in full, I hereby declare the sum of Rs. 1,350 as principal with further interest thereon @ Rs. 7½% per annum from 26-3-70 till date of final payment is due from the said Shri Mast Ram and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name including book debts, stocks, shares and premises, machinery and equipment whether existing or to be purchased with the aid of loan or a part thereof and any other personal security of the loanee or sureties S/Shri Parkash Chand, Milkhi Ram against sureties.

P. K. BHARDWAJ,
District Industries Officer,
Kangra at Dharamsala.

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935/71

Dharamsala, the 14th May, 1976

No. Ind. (Loans) /L/DIO/815/7532-37.—Whereas a notice was served on Shri Milkhi Ram s/o Shri Sunder, Village Moondia, P. O. Sunerh, Tehsil and District Kangra on 31-3-76, under section 23 of the Punjab State Aid to Industries Act, 1935/1971 calling upon the said Shri Milkhi Ram to pay to me the sum of Rs. 260 as principal with interest thereon @ Rs. 3% per annum from 22-3-73 till date of final payment and whereas the said sum has not been paid in full, I hereby declare the sum of Rs. 260 as principal with further interest thereon @ Rs. 7½% per annum from 22-3-73 till date of final payment is due from the said Shri Milkhi Ram and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee whether the said assets are now or in future in his name including book debts, stocks, shares and premises, machinery and equipment whether existing or to be purchased with the aid of loan or a part thereof and any other personal security of the loanee or sureties S/Shri Sadhu Ram s/o Shri Narru Ram, Paras Ram s/o Shri Sidhu Ram against sureties.

P. K. BHARDWAJ,
District Industries Officer,
Kangra at Dharamsala.

कार्यालय जिलाधीश कांगड़ा स्थित धर्मशाला, हिमाचल प्रदेश

कम विकास वर्ष एवं पंचायत का नाम महाविकल्पित

महाविकल्पित

पंच का नाम

स्त्री पंच का

पता

नाम तथा पता

पता

नाम तथा पता

अधिसूचना

धर्मशाला, 25 अप्रैल, 1976

नं० 1995-98 विकास धर्मशाला—मैं, महाराज शृंण काव. खिट्टी कमिशनर, कांगड़ा, पंचायती राज अधिनियम, 1968 की धारा १ (१) तथा ग्राम पंचायत नियम, 1971 के नियम १९ (२) अन्तर्गत ग्राम पंचायत भलाल, ज़िला कांगड़ा के सहविकल्पित पंचों के नामों का प्रकाशन जिन का व्योरा नीचे लिखा नं० ४ और ५ में दिया है सर्वसाधारण की सूचना हेतु प्रकाशित करता हूँ।

1	2	3	4	5
१. नूरपुर	भलाल	१. श्री चूहड़ी राम	श्रीमती गालो देवी	मुपुत्र सोतों राम
		मुपुत्र कैठूं राम,	वेदा श्री नत्यू राम,	हरिजन गांव
		गांव डडवारा,	गांव डडवारा,	बासाभद्रवाल ।
		डा. गन्धी ।	डाकघर गढ़ ।	
		२. श्री हरि राम		
		मुपुत्र कैठूं राम,		
		गांव डडवारा,		
		डा. गन्धी ।		

महाराज शृंण काव, जिलाधीश, कांगड़ा, धर्मशाला ।

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रबर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनेन्शल कमिशनर तथा कमिशनर आफ इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि

शून्य

भाग 4—स्थानीय स्वायत शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायत समिति

कार्यालय कार्यकारी अधिकारी (विकासाधिकारी)
पंचायत समिति, धुमारवीं, ज़िला बिलासपुर (हि० प्र०)

विज्ञप्ति

धुमारवीं, 5 अप्रैल, 1976

पंचायत समिति धुमारवीं
धुमारवीं, 5 अप्रैल, 1976

102(1) पंचायत समिति धुमारवीं ने अपनी 27-3-1976 की बैठक जो श्री लेख राम ठाकुर की अध्यक्षता में सम्पन्न हुई निम्नलिखित उप-विधियां हिमाचल प्रदेश पंचायती राज अधिनियम, 1968 की धारा 102(1) के अन्तर्गत बनाई।

पंचायत समिति की निम्न स्थाई समितियां होगी:—

- (क) वित्त तथा कराधान की स्थाई समिति नं० १ (१),
- (ख) कृषि उत्पादन, पशु पालन, लधु सिंचाई, शक्ति, यातायात तथा निर्माण कार्य के लिये स्थाई समिति नं० २,
- (ग) शिक्षा, समाज कल्याण, सावंजनिक स्वास्थ्य और सफाई जिसमें ग्रामीण पानी सप्लाई भी सम्मिलित, सहकारिता तथा गृह निर्माण के लिये स्थाई समिति नं० ३ ।

(2) स्थाई समिति नं० १ इस प्रकार होगी:—

- (क) अध्यक्ष पंचायत समिति
- (ख) सचिव कार्यकारी अधिकारी पंचायत समिति
- (ग) सदस्य समिति के अध्यक्ष द्वारा मनोनीत नौ सदस्य (अध्यक्ष के अतिरिक्त) ।

अतः मैं, रूप सिंह चन्देल, कार्यकारी अधिकारी, पंचायत समिति धुमारवीं, ज़िला बिलासपुर, हिमाचल प्रदेश, इनउं प-विधियों को सरकारी राजपत्र में जन साधारण की सूचना हेतु प्रकाशित करता हूँ।

रूप सिंह चन्देल,
कार्यकारी अधिकारी, अभिकारी,
पंचायत समिति बिलासपुर, (हि० प्र०) ।

1 (3) स्थाई समिति नं 0 2 इस प्रकार रचित होगी:—

(क) अध्यक्ष उप-अध्यक्ष पंचायत समिति
 (ख) मंचिव कृषि विस्तार अधिकारी
 (ग) मदस्य पंचायत समिति के अध्यक्ष द्वारा पूर्व स्वीकृत और उक्त स्थाई समिति के अध्यक्ष द्वारा मनोनित अधिकारी नी मदस्य ।

1 (4) स्थाई समिति नं 0 3 की रचना इस प्रकार होगी:—

(क) अध्यक्ष पंचायत समिति द्वारा चुना जावेगा
 (ख) मंचिव समाज शिक्षा आयोजक
 (ग) मदस्य अध्यक्ष समिति द्वारा पूर्व स्वीकृत और उक्त स्थाई समिति के अध्यक्ष द्वारा मनोनीत नी मदस्य ।

1 (5) कोई भी समिति मदस्य एक से अधिक स्थाई समिति का मदस्य न बन मकेगा ।

1 (6) प्रत्येक स्थाई समिति में न्यूनतम एक अनुसूचित जातीय मदस्य होगा ।

1 (7) प्रत्येक स्थाई समिति नं 0² और 3 में एक-एक महिला मदस्य होगी ।

1 (8) स्थाई समितियों के अध्यक्ष तथा मदस्यों का कार्यकाल एक वर्ष होगा । उसके नुस्खा पश्चात् नया अध्यक्ष तथा मदस्य नियुक्त होंगे । पुराने मदस्य की पुनः नियुक्ति पर कोई प्रतिबन्ध न होगा ।

॥

2. समिति के पूर्ण गठन के नुस्खा पश्चात् समिति के प्राथमिक, महाविकल्पित, पदन मदस्यों की, पंचायत समिति कार्यालय में, सूचना द्वारा सूचित, तिथि तथा समय पर, ऐसे सदस्यों का, जो स्थाई समितियों के मदस्य बनाने हैं, के चुनाव, नियुक्तियों के लिए, अध्यक्ष पंचायत समिति बैठक चुनायेगा । मदस्यों को बैठक की तिथि में न्यूनतम पूरे 10 दिन पूर्व भेजी जावेगी ।

3. उपरोक्त सूचना मदस्य के माधारण निवास स्थान पर भेजी जायेगी ।

4. बैठक का सभापतित्व समिति के अध्यक्ष या उनकी अनुपस्थिति में उपाध्यक्ष द्वारा किया जावेगा ।

5. माधारण बैठक में मर्यादा, समिति के मत देने का अधिकार रखने वाले कुल मदस्यों की मर्यादा का नीमरा भाग बनेगा और विशेष बैठक में उनका ग्राधा भाग बनेगा ।

6. समिति अध्यक्ष उपस्थित मदस्यों को स्थाई समिति 3 के अध्यक्ष के लिए नाम प्रस्तावित और अनुमोदित करने को कहेंगे ।

यदि एक ही नाम प्रस्तावित तथा अनुमोदित हो तो स्थाई समिति नं 0 3 का अध्यक्ष वही चुना गया समझा जायगा । यदि एक से अधिक नाम प्रस्तावित एवं अनुमोदित हो तो अध्यक्ष समिति, प्राथमिकता तथा सहविकल्पित सदस्यों को कहेगा कि वे हाथ उठा कर प्राथमिकता दें । और वह प्रस्तावित सदस्य जिसको सर्वाधिक प्राथमिकता मिलेगी, वही स्थाई समिति नं 0 3 का अध्यक्ष चुना गया समझा जायेगा यदि दो ऐसे सदस्यों में बराबर की प्राथमिकता हो तो अध्यक्ष समिति भाग द्वारा निर्णय करेगा ।

7. यदि स्थाई समिति के अध्यक्ष अथवा सदस्य का स्थान मृत्यु, त्यागपत्र या अध्यक्ष, जैसा भी हो, का मनोनयन । समिति का सभापति सम्बन्धित समिति के सदस्यों के विचार विमर्श से करेगा ।

8. प्रत्येक स्थाई समिति उन शक्तियों का प्रयोग तथा कर्तव्यों का पालन करेगी जो घोषणा पत्र नं 0 1 में दी गई है ।

9. (क) स्थाई समिति दो मास में न्यूनतम एक बार बैठक करेगी ।

(ख) बैठक समिति कार्यालय में होगी ।

(ग) बैठक की तिथि तथा समय स्थाई समिति के अध्यक्ष द्वारा निश्चित की जायेगी ।

(घ) बैठक की कार्यसूची स्थाई समिति के सचिव द्वारा । समिति के अध्यक्ष की अनुमति से तैयार की जायेगी ।

10. स्थाई समिति के बहुमत के लिखित मांग करने पर, ऐसी मांग के एक सप्ताह के भीतर किसी समय भी । पंचायत समिति का अध्यक्ष, उक्त स्थाई समिति की विशेष बैठक बुलायेगा । यह बैठक उसी कार्यक्रम के लिये बुलाई जायेगी जिसका वर्णन बहुमत की लिखित मांग में होगी । यह विशेष बैठक अध्यक्ष पंचायत समिति अपने तौर पर बुला सकेगा ।

11. स्थाई समिति की प्रत्येक बैठक उसके अध्यक्ष की अध्यक्षता में होगी । अध्यक्ष की अनुपस्थिति में उपस्थित सदस्य अपने में से एक सदस्य को उक्त बैठक के लिये सभापति चुन लेंगे ।

12. जब तक कि स्थाई समिति की बैठक में पूरक संस्था न होमी तब तक कोई कार्य न हो सकेगा ।

13. कार्यसूची की किसी बात पर स्थाई समिति में यदि मतभेद हो तो बहुमत का मत मान्य होगा । मतों की बराबरी होने पर सभापति को एक अंतिरिक्त या निर्णयक मत देने का अधि कार होगा ।

14. ममवन्ध तथा पदन मदस्यों को मत देने का अधिकार नहीं होगा, परन्तु वे विचारविमर्श में भाग ले सकेंगे ।

15. प्रत्येक कार्य जो स्थाई समिति द्वारा निपटाया जा सकता हो, मम्बन्धस्थाई समिति द्वारा इस पर विचार कर लेना हीगा ।

यदि उसमें वित वांछित हो तो स्थाई समिति नं 0 1 द्वारा उसका निर्णय होगा। दो या अधिक स्थाई समितियों में मतभेद की वशा में कार्यकारी अधिकारी इसको आगामी समिति बैठक में प्रस्तुत करेगा।

16. स्थाई समितियों की बैठकों की अध्यक्षता अध्यक्ष या उप-अध्यक्ष करेंगे। और उनकी अनुपस्थिति में, उपस्थित सदस्यों में से उन्हीं द्वारा चुना गया सदस्य होगा।

17. दो अथवा अधिक स्थाई समितियों में यदि प्रतिस्पर्धी प्रस्ताव पास किए हों और संयुक्त बैठक में ऐसे प्रस्तावों का कोई निर्णय न हो सके तो कार्यकारी अधिकारी समिति या समिति अध्यक्ष के समक्ष रखेगा और ऐसे विषयों को अनिर्णित रखते हुये अन्य विषयों पर कार्यवाही करायेगा।

18. प्रत्येक स्थाई समिति अपने अन्तर्गत विषयों पर कार्य करने और अपने प्रस्तावों को कार्य रूप देने में पंचायत समिति के कर्मचारी वर्ग की सहायता ले सकती है।

19. पंचायत समिति द्वारा उपरोक्त उप-विधियों में जुटाये गये प्रबन्धन-न्यून अधिक संबोधन के साथ स्थाई समितियों पर भी लागू होंगे।

20. (क) स्थाई समिति की बैठक की कार्यवाही सम्बन्धित सचिव द्वारा कार्यवाही पुस्तिका में लिखी जायेगी और बैठक के तुरन्त बाद अध्यक्ष उस पर हस्ताक्षर करेगा। यदि किसी कारणवश ऐसे न हो सके तो बैठक के पश्चात् उसी दिन ऐसा करेगा।

(ख) स्थाई समितियों की संयुक्त बैठक के लिये पृथक् कार्यवाही पुस्तिका रखी जायेगी। जो कार्यवाही अधिकारी रखेगा और कार्यवाही पर अध्यक्ष के हस्ताक्षर बैठक के तुरन्त बाद होंगे। यदि ऐसा किसी कारणवश अस्वीकृत न हो तो बैठक के पश्चात् उसी दिन करेगा।

21. (1) यह कार्यकारी अधिकारी पंचायत समिति का कर्तव्य होगा कि वह स्थाई समिति द्वारा पृथक् या संयुक्त रूप से लिये गये सभी निर्णय पंचायत समिति की आगामी शीघ्र होने वाली बैठक में निम्न प्रमाणिकी सहित रखेगा।

(क) स्थाई समितियां, समितियों, जैसा भी हो, के अधिकार योग्यता में है।

(ख) सूचनार्थ अथवा आज्ञार्थ है।

(ग) अमान्य किया जावे क्योंकि यह विधि, नियम, सरकारी आदेश या नीतियों के विरुद्ध है।

21. (2) यदि कोई निर्णय छुट्टाई समिति/समितियों के अधिकार सेव्र से बाहर लिया गया हो तो पंचायत समिति:—

(क) अपनी स्वीकृति प्रदान कर सकती है। यदि निर्णय उसके अधिकार क्षेत्र में हो।

(ख) सक्षम प्राधिकारी को स्वीकृति के लिये प्रेषित कर सकती है।

21. (3) यदि निर्णय स्थाई समिति/समितियों के अधिकार क्षेत्र में हो तो पंचायत समिति में सूचनार्थ नोट करेगी और आपत्तियाँ नहीं उठा सकेगी।

21. (4) उच्चतर प्राधिकार पर पंचायत समिति की आज्ञा भी कोई निर्णय नेना हो तो वह कार्य संचाचन नियमावली के अनुसार समझा जायेगा और यदि यह पंचायत समिति के अधिकार क्षेत्र में होगा तो इस पर निर्णय ले लिया जायेगा। यदि विषय ऐसा हो जिस पर सक्षम प्राधिकारी की अनुमति की आवश्यकता हो तो पंचायत हो तो पंचायत समिति उन्हिं अभिग्रंकार्यों सहित उन्हें प्राधिकारी को प्रेषित करेगी।

21. (5) उपरोक्त (1) एक में दिए कारणों से यदि पंचायत समिति किसी विषय पर निर्णय ने भके तो वह यह कार्यकारी अधिकारी का कर्तव्य होगा कि वह धारा 102 के अधीन कार्यवाही की प्रतिलिपि जिला आयुक्त को ऐसी कार्यवाही करने के लिये प्रेषित करे जैसा कि वह उन्हिं समझे।

22. आपत्तिकाल स्थिति में अध्यक्ष पंचायत समिति विषय को भी आ पंचायत समिति के समक्ष उप-विधियों के अनुसार रखे जाने का समय न हो।

23. यदि स्थाई समितियों का कोई सदस्य (अध्यक्ष के अनिरिक्त) निरन्तर बार बैठकों में भाग न ले तो वह इस स्थाई समिति का सदस्य नहीं रहेगा। और यह विषय शीघ्र आगामी पंचायत समिति की बैठक में प्रस्तुत किया जायेगा। समिति उस सदस्य की मदस्थता को, यदि अनुपस्थिति के बारे में संशक्त कारण हों तो, पुनः स्थापनि करेगी।

घोषणा-पत्र नं 0 1

पंचायत समिति की स्थाई समितियों की शक्तियाँ तथा कर्तव्य

क्रम संख्या	स्थाई समिति	शक्तियाँ तथा कर्तव्य	3	
			1	2
1.	स्थाई समिति नं 0 1	1. नौकरियों की उत्पत्ति		
		2. बजट तैयार करना		
		3. खबड़ में कर्मचारीगण की स्थिति का पुनः निरीक्षण।		
		4. घोषणा-पत्रों का प्रेषित करना तथा हिमाचल किताब का रखना।		
		5. पुनः निरीक्षित तथा पुरक बजट तैयार करना।		
		6. प्रत्येक वित्तीय वर्ष की आय और व्यय का हिमाचल रखना।		
		7. कर प्रस्तावों की व्यवस्था करना (बनाना)।		
		8. करों की कमी, समाप्ति जैसा या छूट बारे प्रस्ताव करना।		

1 2

3 1 2

3

9. फीसों की प्राप्ति तथा मेलों के प्रबन्ध को उके पर देना ।

10. फीसों तथा करों आदि की प्राप्ति

11. कर्जों की स्वीकृति देना

12. कर्जों की वापसी का निरीक्षण करना ।

13. पंचायतों के हिसाब किताब तथा बजट का निरीक्षण करना ।

14. पंचायतों को उनके बजट एवं योजनाएं बनाने में सहायता करना ।

15. भूमि एवं अचल समिति का अभिग्रहण करना ।

16. सम्बन्धित नियमों में प्रावधान की सीधाओं के अन्दर वित्तीय स्वीकृति देना ।

17. वीमा एवं लघु बचत द्वारा बचत की प्रवृत्ति को प्रौत्साहन देना ।

18. ग्राम पंचायतों को उनकी विकास योजनाओं की कार्यान्वयन करने के लिये, जिन्हें करने में वह असमर्थ हो वित्तीय सहायता की सीमा वारे निर्णय लेना एवं तकनीकी सहायता दिलाने का प्रबन्ध करना [धारा 101(1)] ।

19. पंचायत समिति द्वारा समय-समय पर स्थाई समिति को दिए गए शक्तियों एवं कृत कार्यों को कार्यान्वयन करना ।

2. स्थाई समिति नं 0 2

- साना नं 0 2 में वर्णित विषयों वारे सम्बन्धित अधिकारियों द्वारा निर्मित योजनाओं पर विचार करना पथा संशोधन सहित अथवा विना संशोधन उन्हें अनुमति प्रदान करना ।
- स्थाई समिति को दिए गए विषयों वारे योजनाओं की स्वीकृति करना यदि वांछित राशि समिति के अधिकार क्षेत्र में हो और उसका आवश्यक प्रावधान हो ।
- समिति को दिए गए विषयों के वारे सभी योजनाओं के कार्यान्वयन का पर्यवेक्षण करना ।
- दिए गए विषयों वारे योजनाओं के कार्यान्वयन के लिये मानव शक्ति स्रोतों को गतिशील करना तथा स्वैच्छिक दान द्वारा धन राशि जुटाना ।

कृपया देखिए धारा 98(1) ।

- कृपया
- पशु पालन तथा
- मध्यली पालन
- भातगायत
- विविध केवल (2) से (10) तक ।

5. दत्त विषयों के वारे योजनाओं, जिन के कार्यान्वयन का उत्तरदायित्व पंचायत समिति द्वारा पंचायतों को दिया गया है, का पर्यवेक्षण करना ।

6. पंचायत समिति की पूर्ण सम्पत्ति (चल-अचल) का प्रबन्ध करना ।

7. ऐसी किसी समिति के निर्माण, साधारण अथवा सुधार जो पंचायत समिति के नियन्वण या प्रबन्ध में हो वारे ग्राम पंचायत को स्थानान्तरण करने पर निर्णय लेना [101 (2) (11)] ।

8. दत्त विषयों में से कौन सा विषय ग्राम पंचायत को स्थानांतरित करना है के वारे निर्णय लेना [धारा 101(2)(1)] ।

9. पंचायत समिति द्वारा समय-समय पर स्थाई समिति को दी गई शक्तियों एवं कृत्य कार्यों को कार्यान्वयन करना ।

1. साना नं 0 2 में वर्णित विषयों वारे सम्बन्धित अधिकारियों द्वारा निर्मित योजनाओं पर विचार करना तथा संशोधन सहित अथवा विना संशोधन उन्हें अनुमति प्रदान करना ।

2. दत्त विषयों वारे योजनाओं को स्वीकृत करना । यदि उक्त योजनाओं में वांछित राशि स्थाई समिति के अधिकार क्षेत्र में हो और उसका आवश्यक प्रावधान हो ।

3. स्थाई समिति को दत्त विषयों के कार्यान्वयन का पर्यवेक्षण करना ।

4. दत्त विषयों वारे योजनाओं के कार्यान्वयन के लिये मानव शक्ति स्रोतों को गतिशील करना तथा स्वैच्छिक दान द्वारा धन राशि जुटाना ।

5. दत्त विषयों वारे योजनाओं, जिनके कार्यान्वयन का उत्तरदायित्व पंचायत समिति द्वारा पंचायतों को स्थानांतरित किया गया है, को पर्यवेक्षण करना ।

6. पंचायत समिति की पूर्ण सम्पत्ति (चल-अचल) का प्रबन्ध करना ।

7. ऐसी किसी समिति के निर्माण, साधारण अथवा सुधार जो पंचायत समिति

1	2	3	1	2	3
		के नियन्त्रण या प्रबन्ध में हो बारे ग्राम पंचायत को स्थानांतरण करने पर निर्णय लेना [101(2) (11)]।			देना जो उसके अधिकार क्षेत्र के बाहर की हो यदि—
3 स्थाई समिति नं 03 कृपया देखें धारा 98(1).	8. दत्त विषयों में से कौन सा विषय ग्राम पंचायत को स्थानांतरित करना है के बारे निर्णय लेना [धारा 101(2)(1)]।	9. पंचायत समिति द्वारा समय-समय पर स्थाई समिति को दी गई शक्तियों एवं कृत्य कार्यों को कार्यान्वयित करना।	(क) योजनाएं पंचायत समिति के अधिकार क्षेत्र में हो।	(ख) और उसके लिये वित्तीय प्रावधान हो।	2. स्थाई समिति 2 को दत्त विषयों बारे जो पंचायत समिति के अधिकार क्षेत्र में हो पंचायत समिति के समक्ष रखने में पूर्व जिला परिषद् या सरकार की स्वीकृति बांधित हो, पर विचार करना।
3 स्वास्थ्य एवं देहात की सफाई।	1. खाना नं 02 में वर्णित विषयों बारे सम्बन्धित अधिकारियों द्वारा नियमित योजनाओं पर विचार तथा संशोधन सहित अथवा बिना संशोधन उन्हें अनुमति प्रदान करना।	5. संयुक्त स्थाई समिति 1 तथा 2.	1. स्थाई समिति 3 को दत्त विषयों के बारे योजनाओं की स्वीकृति देना जो उसके अधिकार क्षेत्र के बाहर की हो यदि—	(क) योजनाएं पंचायत समिति के अधिकार क्षेत्र में हो।	(ख) और उसके लिये वित्तीय प्रावधान हो।
5 सामाजिक शिक्षा	2. दत्त विषयों बारे योजनाओं को स्वीकृत करना यदि उक्त योजनाओं में वांछित राशि स्थाई समिति के अधिकार क्षेत्र में हो और उसका आवश्यक प्रावधान हो।	3. स्थाई समिति को दत्त विषयों के बारे में सारी योजनाओं के कार्यान्वयन पर्यवेक्षण करना।	2. स्थाई समिति 3 को दत्त विषयों बारे जो पंचायत समिति के अधिकार क्षेत्र में न हो एवं पंचायत समिति के समक्ष रखने से पूर्व जिला परिषद् या सरकार की स्वीकृति बांधित हो, पर विचार करना।	1. ऐसी सभी शक्तियों तथा कृत्य कार्य जो जिला परिषद् में पंचायत समिति को सौंपे हों और उसने आगे स्थाई समिति को सौंप दिये हों।	1. ऐसी सभी शक्तियों तथा कृत्य कार्य जो जिला परिषद् में पंचायत समिति को सौंपे हों और उसने आगे स्थाई समिति को सौंप दिये हों।
6 सहकारिता	4. दत्त विषयों बारे योजनाओं के कार्यान्वयन के लिये मानव शक्ति व्योतों को गतिशील करना तथा स्वेच्छक दान द्वारा धनराशि जुटाना।	4. दत्त विषयों बारे योजनाओं, जिन के कार्यान्वयन का उत्तरदायित्व पंचायत समिति द्वारा पंचायतों का स्थानांतरित किया गया है, को पर्यवेक्षण करना।	2. विषयों के बारे रिकार्ड, रिपोर्ट एवं सूचना भंगवाना।	2. विषयों के बारे रिकार्ड, रिपोर्ट एवं सूचना भंगवाना।	2. विषयों के बारे रिकार्ड, रिपोर्ट एवं सूचना भंगवाना।
7 विविध केवल (1) (10) (12) (14) से (16).	5. दत्त विषयों बारे योजनाओं, जिन के कार्यान्वयन का उत्तरदायित्व पंचायत समिति द्वारा पंचायतों का स्थानांतरित किया गया है, को पर्यवेक्षण करना।	6. दत्त विषयों में से कौन सा विषय ग्राम पंचायतों को स्थानांतरित करना है के बारे निर्णय लेना [धारा 101(2)(1)]।	3. ग्राम कार्यकर्ताओं से दत्त विषयों के बारे रिकार्ड, रिपोर्ट, सूचनाएं भंगवाना।	3. ग्राम कार्यकर्ताओं से दत्त विषयों के बारे रिकार्ड, रिपोर्ट, सूचनाएं भंगवाना।	3. ग्राम कार्यकर्ताओं से दत्त विषयों के बारे रिकार्ड, रिपोर्ट, सूचनाएं भंगवाना।
4. संयुक्त स्थाई समिति नं 01 तथा 2.	7. पंचायत समिति द्वारा समय-समय पर स्थाई समिति को दी गई शक्तियों एवं कृत्य कार्यों को कार्यान्वयित करना।	1. स्थाई समिति 2 की दत्त विषयों के बारे योजनाओं की स्वीकृति	4. उपविधियां बनाना।	4. उपविधियां बनाना।	4. उपविधियां बनाना।
			5. दत्त विषयों सम्बन्धित योजनाओं में से कोई योजना कार्यान्वयन के लिये ग्राम पंचायत को हस्तान्तरित करने की शक्ति।	5. दत्त विषयों सम्बन्धित योजनाओं में से कोई योजना कार्यान्वयन के लिये ग्राम पंचायत को हस्तान्तरित करने की शक्ति।	5. दत्त विषयों सम्बन्धित योजनाओं में से कोई योजना कार्यान्वयन के लिये ग्राम पंचायत को हस्तान्तरित करने की शक्ति।
			6. अधिकारियों को समिति की बैठक में भाग लेने के लिये बुलाना। (धारा 95)।	6. अधिकारियों को समिति की बैठक में भाग लेने के लिये बुलाना। (धारा 95)।	6. अधिकारियों को समिति की बैठक में भाग लेने के लिये बुलाना। (धारा 95)।

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८	मंत्रित सभी स्थाई समितियां।	१. खण्ड विकास योजनाएं तैयार करने तथा स्वीकृत करना। २. ३ स्थाई समितियों को दस विषयों सम्बन्धित योजनाओं में समन्वयन।	वारा 102 (6)	जनसाधारण समिति के रजिस्टर दस्तावेज़, प्रस्ताव, दो रूपये आगामी फीस देकर निरीक्षण कर सकेंग और नक्शे तथा योजना के निरीक्षण के लिये पांच रूपये आगामी फीस जमा करवानी होगी। इस निरीक्षण की अनुमति अध्यक्ष समिति से लेनी होगी। प्रतिलिपि दो रूपये प्रति सफा या उसका आंशिक भाग फीस दे कर प्रक्षेत्र को जा सकती है।	
वारा 102 (1) तथा 102 (2)।	वारा 102 (1) तथा 102 (2)।	कार्यवायत समिति अपने कार्य सम्बोदन के प्रत्येक दो मास के बाद साधारण बैठक बैलार्यगी। यह बैठक पंचायत समिति के कार्यालय में होगी। तिथि ममय तथा कार्य सूचि का नोटिस प्रत्यक्ष सदस्य को पूरे 10 दिन पूर्व अध्यक्ष व उसकी अनुपस्थिति में उपाध्यक्ष प्रेषित करेगा। और इस मात्रन से जो भी उचित समझे (वारा 79 तथा 80) विशेष बैठक के लिये न्यूनतम पूरे चार दिन पूर्व नोटिस देना होगा। इसी प्रकार अधिगत बैठकों के लिये भी नोटिस जारी करने होंगे।	वारा 102 (7)	पंचायत समिति की बैठक में पूरक संस्था वारा 84 के अनुसार होगी।	
वारा 102 (3)।	कार्यकारी अधिकारी समिति की कार्यवाही उसी समय कार्यवाही पुस्तिका में लिखेगा और अन्त में अध्यक्ष के हस्ताक्षर करवायेगा। यदि किसी कारणवश ऐसा कार्य सम्भव न हो तो बैठक के बाद उसी दिन कार्यवाही पुस्तिका में लिखेगा और आगामी बैठक के बाद उसी दिन कार्यवाही पुस्तिका में लिखेगा और आगामी बैठक में पिछली कार्यवाही की पुष्टिकरण के पश्चात् हस्ताक्षर करवायेगा।	वारा 102 (8)	(क) पंचायत समिति अथवा स्थाई समिति की बैठक जिसमें ऐसी सुविधा पर विचार हो रहा हो जिसमें किसी सदस्य की अधिक सूचि हो वह सदस्य विशेष उस बैठक में बैठ तो सकेगा परन्तु विचार विमर्श में भाग नहीं ल सकेगा।		
वारा 102 (4)।	कार्यवाही की प्रतिलिपियों पर ही सामान्य मुद्रा का प्रयोग हो सकेगा और यह कार्यकारी अधिकारी की मुख्या में रहेगी।	वारा 102 (5)	इस अधिनियम के अन्तर्गत कार्यकारी अधिकारी अपने हस्ताक्षरों से प्राप्तियों की रूपीदें पंचायत समिति की ओर में जारी करेगा। वह आगे अपने मुख्या लिपिक, लेखापाल या टैक्स कलेक्टर को उनके स्थान पर ऐसा करने का अधिकार दे सकेगा।	(ख) अध्यक्ष कार्यकारी अधिकारी २ रूपये आगामी फीस प्राप्त करके प्रत्येक मत अधिकारी समिति सदस्य को और ५१ रूपये आगामी फीस ले कर गैर वदस्य की कार्यवाही पुस्तिका के नीरीक्षण की अनुमति	

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दे सकेगा। प्रतिलिपि 2 रूपये प्रति सफा या आंशिक भाग के हिमाचल से मन अधिकारी सदस्य तथा गैर सदस्य को दे सकेगा।

धारा 102 (9)

धारा 128 के अन्तर्गत शुल्क, पब कर एकत्रित करने का अधिकार कार्याकारी अधिकारी को होगा जो उसे इस काम को ठेके पर भी दे सकेगा। यह ठेका 5 परसैट पर होगा। मेले के प्रबन्ध 1 का अधिकार भी कार्याकारी अधिकारी को होगा परन्तु ऐसा कोई कार्य करने के पहचान पंचायत समिति की आगामी शीघ्र होने वाली बैठक में कार्याकारी अधिकारी इसे प्रस्तुत करेगा। धारा 129 के अन्तर्गत कार्यावाही करने का अधिकार भी कार्याकारी अधिकारी को होगा।

धारा 102 (11)

विकास खण्ड समिति में जो मेले लगते हैं या कृषि, उद्योग प्रदर्शनियां लगाई जाती हैं उनका प्रबन्ध विकास खण्ड की ओर से किया जा सकता है। दुकानदारों पर भी कर लगाए जा सकते हैं जो समय-समय पर निर्धारित किये जायेंगे। मेले के स्थान की स्वच्छता, सफाई, पानी स्पत्ताई, टट्टियों आदि के प्रावधान का उत्तरदायित्व, समिति पर होगा यदि वह ऐसे उक्त मेलों में दुकानदारों पर कर लगाए।

धारा 102 (12)

इस अधिनियम के अधीन लगाए गए स्थानीय करों, उपकरों तथा शुल्कों का शेषी तथा धारा 128 के अधीन ठेकेदारों को सौंपे गये शुल्कों तथा पश्च करों की प्राप्ति का बकाया मालगुजारी के बकाए के रूप में प्राप्त किया जा सकेगा (धारा 129) तथा मात्र राशियों की प्राप्ति धारा 109 के अधीन प्राप्त की जा सकेगी।

धारा 102 (13)

पंचायत समिति निम्न कार्यों पर सरकार की स्वीकृति से कीस लगा सकती है जो उसके सामने लिखी

गई है तथा लाइसेंस दे सकती है:-

(1) कर्याना, हलवाई तथा अन्य खाने-पीने की चीजों की दुकान पर:—

- (क) परचून 10 रुपये वार्षिक
- (ख) थोक 30 रुपये वार्षिक
- (2) सीट (मास) की दुकान 30 रुपये वार्षिक।
- (3) प्रति टांगा तथा ठेका 7 रुपये वार्षिक।
- (4) कोर्चिंग लाइसेंस तांगा 5 रुपये वार्षिक।
- (5) साईकल पर 4 रुपये प्रति माईकल।
- (6) पेशा कर:—धारा 130 के अन्तर्गत हिमाचल प्रदेश सरकार को पेशा टैक्स लगाने की स्वीकृति देने के लिये लिखा जायेगा।
- (7) लड़के का विवाह या जन्म 5 रुपये।
- (8) लड़की का विवाह या जन्म 2 रुपये।

नोट.—अनुसूचित जातीय या जनजातीय से आधा लिया जायेगा (केवल 7 और 8 में)। उक्त कर की क्षमा के लिये पंचायत समिति को अपील करनी होगी।

धारा 102 (14)

धारा 98 में वर्णित कर्तव्य के पालन के लिये देखभाल प्रबन्ध आदि कार्याकारी अधिकारी करेगा।

धारा 102 (15)

धारा 105 से 108 तक के अधीन कार्यावाही कार्याकारी अधिकारी करेगा।

धारा 102 (16)

पशुओं की मण्डी में प्रबन्ध पंचायत समिति करेगी और वहां की सफाई आदि का प्रबन्ध भी करेगी और प्रत्येक पशु की ब्रिकी पर निम्न कर लगायेगी:—

- (1) प्रत्येक पशु पर एक रुपया दाखला फीस होगी।
- (2) बैल पर 5 प्रतिशत
- (3) भैंस पर 5 प्रतिशत

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को, दबाने का प्रबन्ध सम्बन्धित पंचायत करेगी।

धारा 102 (27) पंचायत समिति अपने क्षेत्र की पंचायतों को आवश्यकता पड़ने पर लोगों के घरों में रोशनदान लगाने और सुधार करने के लिये जिससे क्षय रोग की रोकथाम हो सके, करेगी तथा निरीक्षण भी कर सकेगी।

धारा 102 (28) शारीरिक स्वास्थ्य को प्रोत्साहन देने के लिये समिति खेत के मैदानों का प्रबन्ध प्रावधान स्वयं या पंचायतों से करवायेगी। खेत-कूद की प्रतियोगिता भी करवायेगी। नवयुवक मण्डलों को पंचायतों की आर्थिक स्थिति को देखते हुए पंचायतों द्वारा वित्तीय सहायता भी देगी।

धारा 102 (29) लावारिस पशुओं को, यदि ऐसे उपलब्ध हो पंचायत समिति स्वयं जब्त कर सकेगी या सम्बन्धित पंचायत को ऐसा करने के लिये कहेगी यदि एक सप्ताह के भीतर कोई भालिक मांग न करे तो इसको निलाम करके रूपया समिति फण्ड में जमा करेगी। आर्थिक स्थिति को ध्यान में रखते हुए वह गो-सदन खोलने पर भी विचार कर सकेगी।

धारा 102 (30) पंचायत समिति अथवा उसके अधीन बनाई गई सहायता समिति सार्वजनिक स्थानों जैसे मैदान, जोहड़, सराए,

आदि और आवासीय भवनों की व्याप्रहित चुल्हे, मोड़ा वाटर की फैक्ट्री, बफे की फैक्ट्री, आटे की चक्की; अनाज के गोदाम, वधशालाएं, घोबी घाट, मण्डी स्टालों का जो समिति के क्षेत्र में स्थित हों निरीक्षण करेगी। और सुधार के लिए कह सकेगी। मालिक के सुधार न करने की सूरत में सर्वदा सम्बन्धित उच्च अधिकारी को सूचनार्थ एवं आवश्यक कार्यावाही हेतु भेज सकेगी।

धारा 102 (31) पंचायत समिति अस्तवत, गोशाला, भेड़-बकरियों और मुअरों के लिये गृह के बारे भी धारा 102 (31) के ममक्ष लिखी कार्यावाही कर सकेगी।

धारा 102 (32) पंचायत समिति आवासीय भवनों का भी निरीक्षण कर सकेगी। निर्वन व्यक्तियों, जो छूट के रोग से पीड़ित हों की सहायता अपने स्रोतों से कर सकेगी।

इन उपविधियों का उल्लंघन करने वाले के विरुद्ध पंचायत समिति धारा 103 के अधीन कार्यावाही करेगी।

रूप सिंह चन्देल,
कार्याकारी अधिकारी,
पंचायत समिति, घुमारवां।

भाग 5—वैयक्तिक अधिसूचनाएं और विज्ञापन

न्यायालय सीनियर सब-जज स्थान धर्मशाला

मुकदमा नं 0 4 साल 1976

प्रार्थना-पत्र उत्तराधिकार प्राप्ति हेतु

श्रीमती चन्देल

बनाम

संबंधनता

10 बजे अपने उज्जरात पेश करें अन्यथा यक्तरफा कारंवाई की जावेगी।

आज तिथि 24-5-76 को मेरे हस्ताक्षर व मोहर न्यायालय से जारी हुआ।

मोहर।

सुरेंद्र प्रकाश,
सीनियर सब-जज कांगड़ा,
स्थित धर्मशाला।

उपरलिखित मुकदमा उन्वान वाला में श्रीमती चन्देल पत्नी ग्रात्मा राम, जाति राजधारिया, स्थान खुन, डाकखाना टांडा उरमार, तहसील दसूआ, जिला होशियारपुर (प्रार्थी) ने उत्तराधिकारी प्रमाण-पत्र प्राप्ति हेतु प्रार्थना-पत्र इस न्यायालय में दिया है। अतः इसके विषय में कोई उंगर हो तो वह तिथि 24-6-76 को प्राप्ति

न्यायालय सीनियर सब-जज कांगड़ा मुकाम धर्मशाला

मुकदमा नम्बर 17 साल 1976

प्रार्थना-पत्र उत्तराधिकार प्राप्ति हेतु

श्रीमती देवकी

बनाम

श्री विश्वा नाथ

उपरलिखित मुकदमा उनवान वाला में श्रीमती देवकी विधवा ईश्वर दास (2) प्रमर नाथ (3) चन्द्र शेखर पुत्र ईश्वर दास जानि ब्राह्मण, स्थान शाम नगर, तहसील कांगड़ा (4) श्री मती रमेश शर्मा (5) श्रीमती मन्तोश शर्मा पुत्रियां ईश्वर दास शाम नगर (6) श्रीमती कृष्णा शर्मा पुत्री ईश्वरदास पत्नी सुरिल्द्र नाथ कालिया, सैकटर नम्बर 1, फ्लैट नम्बर 80, प्रार. के. पुरम, न्यू दिल्ली (प्राथी प्रण) ने एक प्रार्थना पत्र इस न्यायालय में दिया है। अतः इस के विषय में किसी को कोई उच्चर हो तो वह तिथि 25-6-76 को प्राप्त: 10 बजे अपने उच्चरात इस न्यायालय में पेश करे। अन्यथा एकतरफा कार्रवाई की जावेगी।

आज तिथि 24-5-76 को मेरे हस्ताक्षर व मोहर न्यायालय से जारी हुआ।

मोहर।

सुरेंद्र प्रकाश,
सीनियर सब-जज कांगड़ा
स्थित धर्मशाला।

न्यायालय सीनियर सब-जज कांगड़ा, स्थान धर्मशाला

मुकदमा नम्बर 5 माल 1976

प्रार्थना-पत्र उत्तराधिकारी प्राप्ति हेतु

श्री ब्रह्म दास

वनाम

मर्व जनता

उपरलिखित मुकदमा उनवान वाला में श्री ब्रह्म दास पुत्र नान चन्द्र, जानि ब्राह्मण, स्थान बड़ल, तहसील देहरा ने उत्तराधिकारी प्रमाण-पत्र प्राप्ति हेतु प्रार्थना-पत्र इस न्यायालय में दिया है। अतः इसके विषय में किसी को कोई उच्चर हो तो वह तिथि 24-8-76 को प्राप्त: 10 बजे अपने उच्चरात पेश करें। अन्यथा एकतरफा कार्रवाई की जावेगी।

आज तिथि 24-5-76 को मेरे हस्ताक्षर व मोहर न्यायालय से जारी हुआ।

मोहर।

सुरेंद्र प्रकाश,
सीनियर सब-जज कांगड़ा
स्थान धर्मशाला।

अदालती इश्तहार

अदालत श्री परमा नन्द एसिस्टेंट कलेक्टर सैकिण्ड ग्रेड (नायब तहसीलदार) मोलन।

दरखास्त वर्गये दस्ती इन्ड्राजि खाना काशत रकवा अराजी तादादी 38 बीचे 5 विश्वे, वेवेट बत्तीनी नं 0 26/49, वाका मौजा भरोल, तहसील व जिला मोलन।

श्री गोरख राम 2. बनी राम 3. बुध राम 4. नानकु राम 5. माठु राम 6. दिला गम पुत्रगण तुवारथू। सायल

वनाम

1. श्रीमती हीरा देवी विधवा लच्छी राम
2. जगदीशु, हेमा नन्द पुत्रगण लच्छी राम वजरिया हीरा देवी

3. श्रीमती नानकी, प्रेमलता, कुमारी तृप्ता साकिन भरोल, तहसील व जिला मोलन। वारसान, लच्छी राम।

उपरोक्त मुकदमा में वजरिया ईश्तहार सूचना दी जाती है कि उपरोक्त वारसान लच्छी राम वावजूद समन के हाजिर नहीं हो रहे हैं न ही साधारण तरीके से इन पर तामोल हो रही है। अतः वजरिया ईश्तहार जेर आर्डर (5) रुल 20 (सी०पी०सी०) जारी हो कर उपरोक्त वारसान को सूचित किया जाता है कि वे तिथि 30-6-76 को असालतन या वकालतन प्राप्त: 10 बजे हाजिर अदालत हो कर मुकदमा की पेंखी करें। हाजिर न होने पर एकतरफा कार्रवाई अमल में लाई जावेगी।

आज तारीख 31-5-1976 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

परमा नन्द ठाकुर,
एसिस्टेंट कलेक्टर सैकिण्ड ग्रेड,
मोलन, हिमाचल प्रदेश।

अदालती नोटिस

अदालत, डिस्ट्रिक्ट जज साहिब, कांगड़ा मकाम धर्मशाला

Civil Miscellaneous Appeal No. 122 of 1975

श्री निहाल

वनाम

बूनी चन्द

वनाम

श्री उत्तम चन्द पुत्र कांवी राम मुहल्ला राम गढ़, चम्बा नगर

जिला चम्बा

उपरोक्त मुकदमा उनवान वाला में रेस्पोडेंट मञ्जकूर श्री उत्तम चन्द को समनात वराये हाजर होने इस अदालत से जारी किये गए परन्तु वह हर बार तामोल समन से बचता रही और रुपोश हो गया है। अतः आर्डर 5, रुल 20 सी. पी. सी. के अधीन, यह ईश्तहार उसके नाम जारी किया जाता है कि वह दिनांक 18-6-1976 को असालतन या वकालतन उक्त न्यायालय में हाजर होकर मुकदमा की पेंखी करे अन्यथा उसकी अनुपस्थिति में कार्रवाई एकपक्षीय की जावेगी।

आज दिनांक 27-5-1976 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित,
डिस्ट्रिक्ट जज,
कांगड़ा स्थान धर्मशाला।

इश्तहार

ब्राह्मण विवाह डिस्ट्रिक्ट जज वहादुर Hamirpur Camp at U.N.A

Act. नं 05 मुकदमा 4 बाबत मन् 1976

सुभाष कुमार शर्मा S/o Smt. सवित्री देवी विवाह अमर नाथ ब्राह्मण, 2. श्रोमंजी पुष्पा देवी d/o सवित्री देवी wd/o अमर नाथ, 3. श्रीमती राम कुमारी विवाह श्री अमनाश कुमार पुत्र सवित्री देवी विवाह अमर नाथ ब्राह्मण, वासी सायपुर P. S. & Tehsil Una सायलान

जोकी इश्तहार बनाया-आम जन्ता ने दरखास्त हस्तून सर्टिफिकेट सुभाष कुमार बगैर।

जानशीनी बाबत Rs. 6256.75 अदालत हजा में पेश की है जो तारीख 16-2-1976 को मंजूर हो कर दर्ज रजिस्टर हुई, लिहाजा बनावर आगाही बरादरान व कराबतदारान मुतवफ़ी इश्तहार हजा जारी किया जाता है कि जिस शब्दश को निस्वत दरखास्त मंजूर उज़रदारी करनी हो वह किबल अज तारीख 19.7.1976 कैम्प ऊप्रा हाजिर अदालत हजा होकर अपना उज़र पेश करे वरना कोई उज़र बाद इनकजाए 19.7.1976 तारीख मंजूरों समाप्त न होगा।

आज बतारीख 9 माह 3 सन् 1976 बसबत हमारे दस्तखत और मोहर अदालत से जारी किया गया।

मोहर।

हस्ताक्षरित,
डिस्ट्रिक्ट जज, हमीरपुर।

इश्तहार

u/o 5, Rule 20, C.P.C.

ब्राह्मण विवाह डिस्ट्रिक्ट जज वहादुर Hamirpur Camp at UNA

S. Act नं 0 मुकदमा 12 बाबत सन् 1976

Ujjain Singh, 2. मलतान सिंह, 3. हरमेश सिंह, 4. सुभाष सिंह S/o जसवन्त सिंह, 5. Smt. कान्ता देवी d/o जसवन्त सिंह, वासी भद्रसाली, थाना वा तहसील ऊशा, जिला उन्ना।

बनाम

आम जनता

इश्तहार बनाया-आम जनता।

जोकी Ujjain Singh etc. ने दरखास्त हस्तून सर्टिफिकेट जानशीनी बाबत Rs. 37,000 अदालत हजा में पेश की है जो तारीख 25-3-76 को मंजूर हो कर दर्ज रजिस्टर हुई, लिहाजा बनावर आगाही बरादरान व कराबत-

दारान मुतवफ़ी इश्तहार हजा जारी किया जाता है कि जिस शब्दश को निस्वत दरखास्त मंजूर उज़रदारी करनी हो वह किबल अज तारीख 19.7.1976 कैम्प ऊप्रा हाजिर अदालत हजा होकर अपना उज़र पेश करे वरना कोई उज़र बाद इनकजाए 19.7.1976 तारीख मंजूरों समाप्त न होगा।

आज बतारीख 5 माह 5 सन् 1976 बसबत हमारे दस्तखत और मोहर अदालत से जारी किया गया।

मोहर।

हस्ताक्षरित,
डिस्ट्रिक्ट जज, हमीरपुर।

ब अदालत माहव एसिस्टेंट कुलैक्टर दर्जा दोषम,
तहसील नाहन

नोटिस जेर दफा 5 कायदा 20 जाबता दिवानी

मिसल नं 0 2 तहत इन्द्राज

श्री राम दत पुत्र राम भज, सा० तालो, तहसील नाहन

बनाम

श्री प्रकाश नरायण पुत्र इन्द्र नरायण, सा० नाहन हाल मुलाजम हवाई जहाज पार्ट्स फैक्ट्री बन्गला

श्री विरेन्द्र प्रकाश पुत्र इन्द्र नरायण सा० नाहन हाल मुलाजम 33 Cavalry J&K c/o 56 A.P.O.

उपरोक्त मुकदमा में बजरिया इश्तहार हजा मुचना दी जाती है कि उपरोक्त फरीक दोषम को कई बार भमनात जारी हुये। जिन से जाहिर होता है कि वो दिये गये पता पर निवास नहीं करते। करीक दोषम के लिहाजे न आने पर मुकदमा तुल फकड़ रहा है और सायल ने भी दरखास्त जेर दफा 5 कायदा 20 जाबता दिवानी गुजारी है कि उन्हे बजरिया इश्तहार मुचित किया जावे। इस लिये प्रकाश नरायण, विरेन्द्र प्रकाश पुत्र इन्द्र नरायण को बजरिया इश्तहार मुचित किया जाता है कि वह मिती 28-6-76 को असालतन या बकालतन प्रातः 10 बजे हाजिर अदालत होकर मुकदमा की पैरवी करे। वसूलत दिगर कार्यवाही यक तरफा अमल में लाई जावेगी।

आज बतारीख 28-5-76 को मेरे दस्तखत व मोहर अदालत के जारी हुआ।

मोहर।

हस्ताक्षरित,
एसिस्टेंट कुलैक्टर दर्जा दोषम,
नाहन।

In the Court of Shri R. K. Mahajan, Senior Sub-Judge,
Solan, District Solan

failing which *ex-parte* proceedings will be taken against them.

Shrimati Sushila Devi daughter of Shri Jawahar Lal Sehgal, resident of Rajgarh Road Near Thodo Ground Solan Tehsil and District Solan Petitioner.

Given under my hand and seal of the Court this 25th May, 1976.

Versus

General Public Respondent.

APPLICATION UNDER SECTION 372 OF THE
SUCCESSION ACT

To

The General Public

WHEREAS in the above-noted case Shrimati Sushila Devi the petitioner has applied for the grant of succession certificate authorising her to realise the amount of debts etc. in respect of late Shri Jawahar Lal Sehgal.

Whereas the above-noted application has been registered and is fixed for 23-6-1976. Notice is hereby given to the General Public that if any well wisher and kinsmen of the deceased has any objection to the grant of this succession sought by the petitioner, he should file the same in this Court on or before 23-6-1976 failing which no objection shall be entertained.

Given under my hand and the seal of the Court this 24th day of May, 1976.

Seal.

R. K. MAHAJAN,
Senior Sub-Judge, Solan.

PROCLAMATION UNDER ORDER 5, RULE 20 C.P.C.

In the Court of Shri R. L. Raghu Sub-Judge, Una
District Una, H.P.

Thakur Dass *Versus* Smt. Vidya Devi etc.

CIVIL SUIT NO 41 OF 1975

Versus. 1. Amolak Ram s/o Faqir Chand, 2. Dhani Ram s/o Mela Ram, 3. Achhru Ram 4. Romesh Chand, 5. Raja Ram 6. Rameshwar s/o Hako 7. Smt. Bimla Devi d/o Hako 8. Smt. Ram Rakho wd/o Shri Hako, r/o village Dehlan P. O. and Tehsil Una, Distt. Una.

मोहर

एच 0 डी 0 कैन्थला,
डिस्ट्रिक्ट जज हमीरपुर।

अदालती सूचना

बग्रदालत जनाब बी 0 डी 0 शर्मा जिलाधीश व अस्त्यारात
जिला कुलैकटर ऊना जिला, ऊना, हिमाचल प्रदेश

मुकदमा नम्बर 511975

श्रीमती विमला वती पल्ली मल, जात ब्राह्मण वासी सिथाला
पुलीस स्टेशन हाजी पुर तहसील दस्ग्रा, जिला होयारपुर मारकत
जीत मल मुख्यार आम अपील कर्ता

Whereas in the above-noted case, it has proved to the satisfaction of this court that the above-noted defendants are evading the service of the summons and can not be served in the normal course of service. Hence this proclamation (publication) is hereby issued against them to appear in this Court on the date fixed for hearing on 30-7-76 at A.M. personally or through an authorised agent or pleader to defend the case,

इतहार

U/o 5, Rule 20 C. P. C.

बग्रदालत श्री एच 0 डी 0 कैन्थला डिस्ट्रिक्ट जज हमीरपुर
कैम्प ऊना

मुकदमा नं 0 20 of 1976

सुरेश चन्द (2) श्रीमती लीला देवी (3) शान्ति देवी
(4) सुर्दान देवी (5) उमंग देवी (6) राज रानी पुत्रीयां
निरंजन दत्त S/O सुन्दर दास ब्राह्मण वासी मलाहत थाना वा
तहसील ऊना जिला ऊना साथलान

बनाम

आम जनता

इतहार बनाम:—आम जनता।

रैस्पोन्डेन्ट

जोकि सुरेश चन्द वर्गीया ने दरखास्त हस्तूल सर्टिफिकेट
जानशीनी बाबत जामदाद निरंजन दत्त Rs. 6735-59 P.
अदालत हजा में पेश की है जो तारीख 25-5-76 को मन्जूर
होकर दर्ज रजिस्टर हुई लिहाजा बिनावर आगाही बरादरान व
करावतदरान मुतबक्फी इतहार हजा जारी किया जाता है कि जिस
शख्स को निसवत दरखास्त मजकूर उज़रदारी करनी हो वह किंवदं
अज तारीख 23-7-76 कैम्प ऊना होजर अदालत हजा होकर
अपना उजर पेश करे वरना कोई उजर वाद इन्कजाए 23-7-76
मजकूरा समायत न होगा।

अज तारीख 2-6-76 को मेरे हस्ताक्षर व मोहर
अदालत द्वारा जारी किया गया है।

बनाम

(1) ऊरे चन्द मेजर (बालग) (2) प्रदीप चन्द नाबालग पिसाना ऊरे चन्द मारफत किशोर चन्द पुत्र किशन चन्द जात ब्राह्मण वासी खड़ थाना, तहसील व जिला ऊना, हिमाचल प्रदेश वारस नवालग (3) अभी चन्द पुत्र राम चन्द जात ब्राह्मण, वासी अमेर थाना व तहसील ऊना, जिला ऊना, हिमाचल प्रदेश मौसूल अलपत्र

अपील विरुद्ध A. C. 2nd Grade अम्ब मिति 19-2-75
मन्जूसी इन्तकाल नम्बर 771 जेर थारा 13 Pub. Land
Revenue Act.

उपरोक्त मुकदमा उनवान 'वाला मुंगेरी मौसूल-अला नम्बर 1 ऊरे चन्द मेजर, (बालग) पुत्र अभी चन्द जात ब्राह्मण, वासी खड़ जोकि वह हमारी अदालत में ना उपस्थित हो रहा है अतः उसको बजरीया अखबार मारफत राज्य पत्रिका हि० प्र० सुचित किया जाता है कि वह वराए पैरवी मुकदमा उनवान वाला में असालतन या वकालतन मिति 23-6-76 वबक्त 10 बजे हाजर होवे। हाजर न होने पर कारंवाई यकतरका अमल में लाई जावेगी।

आज मिति 31-5-76 को मेरे हस्ताक्षर व. मोहर से जारी हुआ।

मोहर।

विश्वन दास शर्मा,
कलेक्टर, जिला ऊना।

माह अभालतन या वकालतन हाजिर आकर पैरवी करे। ऊरे गुजरने मियाद उक्त इन्तकाल बहक हिमादारान/बारमान तस्वीक किया जावेगा।

इश्तहार हजा आज दिनांक 25-5-76 को हमारे हस्ताक्षर व भोहर अदालत में जारी हुआ।

मोहर।

देवी चन्द,
महायक कलेक्टर पूह।

इश्तहार

बअदालत साहिब डिस्ट्रिक्ट जज बहादुर Hamirpur
Camp at UNA

नं० मुकदमा S. Act No. 10, बाबत 76 सन् 1976

1 सूरम चन्द s/o हुरदेव, जात बाहती, वासी पोलियां पराहृतां थाना व तहसील अम्ब, जिला ऊना

2 लाजो देवी w/o चिन्त राम, गोव कुण्डाडी, तहसील अम्ब,
जिला ऊना सायलान

बनाम

आम जनता

नोटिस बनाम: आम जनता

जोकि सूरम चन्द वर्गेरा ने दरखास्त हस्त सर्टिफिकेट जानशीनी बाबत Rs. 8733.00 अदालत हजा में पेश की है जो तारीख 11-3-76 को मंजूर हो कर दर्ज रजिस्टर हुई, लिहाजा बनावर आगाही बरादरान व करावत दारान मुतवफी इश्तहार हजा जारी किया जाता है कि जिस सूल्त को निस्तव दरखास्त मंजूर उज़रदारी करनी हो वह किल अज तारीख 25-5-76 कैम्प ऊना हाजिर अदालत हजा हो कर अपना उजर पेश करे वरना कोई उजर बाद इनकाजाए 25-5-76 तारीख मंजूरा समाप्त न होगा।

आज बतारीख 10-5-1976 बसबत हमारे दस्तखत और मोहर अदालत से जारी किया गया।

हस्ताक्षरित,

डिस्ट्रिक्ट जज, हमीरपुर।

अतः इश्तहार हजा द्वारा हर आम व सास को सूचना दी जाती है कि अगर सुख जोर मंजूर जीवित हो तो अन्दर एक

मोहर।

भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन
LAW DEPARTMENT

NOTIFICATION

Simla-2, the 2nd April, 1976

No. LLR-E(9)12/76.—The following Acts recently passed by Parliament which have already been published in the Gazette of India, Extraordinary, Part II, Section 1, are hereby republished in the Himachal Pradesh Government Rajpatra for the information of general public:—

1. The Sales Promotion Employees (Conditions of Service) Act, 1976 (11 of 1976).
2. The Imports and Exports (Control) Amendment Act, 1976 (12 of 1976).
3. The Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (13 of 1976).
4. The Maintenance of Internal Security Amendment Act, 1976 (14 of 1976).
5. The Delhi Land Holdings (Ceiling) Amendment Act, 1976 (15 of 1976).
6. The Prevention of Food Adulteration (Amendment) Act, 1976 (34 of 1976).

M. C. PADAM,
Under Secretary (Judicial)

Assented to on 25th January, 1976

**THE SALES PROMOTION EMPLOYEES
 (CONDITIONS OF SERVICE) ACT, 1976**

(ACT NO. 11 OF 1976)

AN

ACT

to regulate certain conditions of service of sales promotion employees in certain establishments.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. Short title, extent, commencement and application.—

(1) This Act may be called the Sales Promotion Employees (Conditions of Service) Act, 1976.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States.

(4) It shall apply in the first instance to every establishment engaged in pharmaceutical industry.

(5) The Central Government may, by notification in the Official Gazette, apply the provisions of this Act, with effect from such date as may be specified in the notification, to any other establishment engaged in any notified industry.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “establishment” means an establishment engaged in pharmaceutical industry or in any notified industry;

- (b) “notified industry” means an industry declared as such under section 3;
- (c) “prescribed” means prescribed by rules made under this Act;
- (d) “sales promotion employee” means any person by whatever name called (including an apprentice) employed or engaged in any establishment for hire or reward to do any work relating to promotion of sales or business or, both, and—
 - (i) who draws wages (being wages, not including any commission) not exceeding seven hundred and fifty rupees per mensem; or
 - (ii) who had drawn wages (being wages, including commission), or commission only, in either case, not exceeding nine thousand rupees in the aggregate in the twelve months immediately preceding the month in which this Act applies to such establishment and continues to draw such wages or commission, in the aggregate, not exceeding the amount aforesaid in a year,

but does not include any such person who is employed or engaged mainly in a managerial or administrative capacity;

- (e) all words and expressions used but not defined in this Act and defined in the Industrial Disputes Act, 1947 (14 of 1947), shall have the meanings respectively assigned to them in that Act.

3. Power of Central Government to declare certain industries to be notified industries.—The Central Government may, having regard to the nature of any industry (not being pharmaceutical industry), the number of employees employed in such industry to do any work relating to promotion of sales or business or both, the conditions of service of such employees and such other factors which, in the opinion of the Central Government, are relevant, declare such industry to be a notified industry for the purposes of this Act.

4. Leave.—In addition to such holidays, casual leave or other kinds of leave as may be prescribed, every sales promotion employee drawing wages (being wages, not including any commission) shall be granted, if so requested for—

- (a) earned leave on full wages for not less than one-eleventh of the period spent on duty;
- (b) leave on medical certificate on one-half of the wages for not less than one-eighteenth of the period of service.

5. Issue of appointment letter.—Every employer in relation to a sales promotion employee shall furnish to such employee a letter of appointment, in such form as may be prescribed,—

- (a) in a case where he holds appointment as such at the commencement of this Act, within three months of such commencement; and
- (b) in any other case, on his appointment as such.

6. Application of certain Acts to sales promotion Employees.—(1) The provisions of the Workmen's Compensation Act, 1923 (8 of 1923), as in force for the time being, shall apply to, or in relation to, sales promotion employees as they apply to, or in relation to, workmen within the meaning of that Act.

(2) The provisions of the Industrial Disputes Act, 1947 (14 of 1947), as in force for the time being, shall apply to, or in relation to, sales promotion employees as they apply to, or in relation to, workmen within the meaning of that Act and for the purposes of any proceeding under that Act in relation to an industrial dispute, a sales promotion employee shall be deemed to include a sales promotion employee who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute or whose dismissal, discharge or retrenchment had led to that dispute.

(3) The provisions of the Minimum Wages Act, 1948 (11 of 1948), as in force for the time being, shall apply to, or in relation to, sales promotion employees as they apply to, or in relation to, employees within the meaning of that Act.

(4) The provisions of the Maternity Benefit Act, 1961, (53 of 1961) as in force for the time being, shall apply to, or in relation to, sales promotion employees, being women, as they apply to, or in relation to, women employed, whether directly or through any agency, for wages in any establishment within the meaning of that Act.

(5) The provisions of the Payment of Bonus Act, 1965, (21 of 1965) as in force for the time being, shall apply to, or in relation to, sales promotion employees as they apply to, or in relation to, employees within the meaning of that Act.

(6) The provisions of the Payment of Gratuity Act, 1972 (39 of 1972) as in force for the time being, shall apply to, or in relation to, sales promotion employees as they apply to, or in relation to, employees within the meaning of that Act.

7. *Maintenance of registers.*—Every employer in relation to an establishment shall keep and maintain such registers and other documents and in such manner as may be prescribed.

8. *Inspectors.*—(1) The State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act and may define the local limits within which they shall exercise their functions.

(2) Any Inspector appointed under sub-section (1) may, for the purpose of ascertaining whether any of the provisions of this Act have been complied with in respect of an establishment,—

- (a) require an employer to furnish such information as he may consider necessary;
- (b) at any reasonable time enter the establishment or any premises connected therewith and require any one found in charge thereof to produce before him for examination any registers and other documents relating to the employment of sales promotion employees;
- (c) examine with respect to any matter relevant to any of the purposes aforesaid, the employer, his agent or servant or any other person found in charge of the establishment or any premises connected therewith or any person whom the Inspector has reasonable cause to believe to be or to have been a sales promotion employee in the establishment;
- (d) make copies of or take extracts from any register or other documents maintained in relation to the establishment under this Act;
- (e) exercise such other powers as may be prescribed.

(3) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

(4) Any person required to produce any register or other document or to give information by an Inspector under sub-section (2) shall be legally bound to do so.

9. *Penalty.*—If any employer contravenes the provisions of section 4 or section 5 or section 7 or any rules made under this Act, he shall be punishable with fine which may extend to one thousand rupees.

10. *Offences by companies.*—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this section, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly.

(3) For the purposes of this section,—

- (a) "company" means any body corporate and includes a firm or other association of individuals;
- (b) "director", in relation to a firm, means a partner in the firm.

11. *Cognizance of offences.*—(1) No court inferior to that of a Metropolitan Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.

(2) No court shall take cognizance of an offence under this Act, unless the complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

12. *Power to make Rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the kinds of leave that may be granted to a sales promotion employee under section 4;
- (b) the form of the letter of appointment to be furnished under section 5;
- (c) the registers and other documents to be kept and maintained under section 7 and the manner in which such registers and other documents may be kept and maintained;
- (d) any other matter which has to be, or may be prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if,

before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Assented to on 25-1-76

THE IMPORTS AND EXPORTS (CONTROL)
AMENDMENT ACT, 1976
(ACT NO. 12 OF 1976)

AN
ACT

further to amend the *Imports and Exports (Control) Act, 1947.*

Be it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Imports and Exports (Control) Amendment Act, 1976.

2. *Substitution of new section for section 2.*—For section 2 of the Imports and Exports (Control) Act, 1947 (18 of 1947) (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) "adjudicating authority" means the authority specified in, or under, section 4K;
- (b) "Appellate authority" means the Appellate authority referred to in section 4M;
- (c) "Chief Controller" means the Chief Controller of Imports and Exports;
- (d) "control order" means a control order made, or deemed to have been made, under this Act;
- (e) "customs station" has the meaning assigned to it in the Customs Act, 1962 (52 of 1962);
- (f) "Deputy Chief Controller" means a Deputy Chief Controller of Imports and Exports;
- (g) "import" and "export" mean, respectively, bringing into and taking out of, India by sea, land or air;
- (h) "letter of authority" means a letter authorising the licensee to permit another person, named in the said letter, to import goods against the licence granted to the licensee;
- (i) "licence" means a licence granted, and includes a customs clearance permit issued, under any control order;
- (j) "prescribed" means prescribed by rules made under this Act;
- (k) "recognised agency" means an agency to which the functions of distribution of imported goods have been assigned by the Chief Controller.

3. *Insertion of new sections 4B to 4P.*—After section 4A of the principal Act, the following sections shall be inserted namely:—

4B. *Power to enter and inspect.*—Any person authorised in writing in this behalf by the Chief Controller or any officer serving under him, not being an officer below the rank of a Deputy Chief Controller (hereinafter in this Act called the "authorised person"), may enter, at any reasonable time any premises in which—

- (i) any imported goods or materials which are liable to confiscation under this Act, or
- (ii) any books of account or other documents or things

which, in his opinion, will be useful for, or relevant, to, any proceeding under this Act,

are suspected to have been kept or concealed, and inspect such imported goods, materials, books of account, other documents or things and may take such notes or extracts from such books of account or other documents as he may think fit.

4C. *Power to search.*—If the authorised person has any reason to believe that—

- (i) any imported goods or materials which are liable to confiscation under this Act, or
- (ii) any books of account or other documents or things which, in his opinion, will be useful for, or relevant to, any proceedings under this Act,

are secreted in any place, he may enter into and search such place or premises for such imported goods, materials, books of account, other documents or things.

4D. *Power to seize imported goods or materials.*—(1) If the authorised person has any reason to believe that any imported goods or materials are liable to confiscation under this Act, he may seize such goods or materials together with the package, covering or receptacle, if any, in which such goods or materials are found, and where such goods or materials are found to have been mixed with any other goods or materials, he may seize such goods or materials together with the goods or materials with which they are so mixed:

Provided that where it is not practicable to seize any such goods or materials, the authorised person may serve on the owner of the goods or materials an order that he shall not remove, part with or otherwise deal with, the goods or materials except with the previous permission of such authorised person.

(2) Where any goods or materials are seized under sub-section (1) and no notice in respect thereof is given under section 4L within six months of the seizure of the goods or materials, the goods or materials shall be returned to the person from whose possession they were seized:

Provided that the aforesaid period of six months may, on sufficient cause being shown, be extended by the Chief Controller by a further period not exceeding six months.

(3) The authorised person may seize any documents or things which, in his opinion, will be useful for, or relevant to, any proceeding under this Act.

(4) The person from whose custody any documents are seized under sub-section (3) shall be entitled to make copies thereof or take extracts therefrom in the presence of the authorised person.

(5) If any person legally entitled to the documents or other things seized under sub-section (3) objects, for any reason, to the retention by the authorised person of the documents or things, he may make an application to the Central Government stating therein the reasons for such objection and requesting for the return of the documents or things.

(6) On receipt of an application under sub-section (5), the Central Government may, after giving the applicant an opportunity of being heard, pass such order as it may think fit.

(7) Where any document—

- (a) is produced or furnished by any person or has been seized from the custody or control of any person under this Act or any other law for the time being in force, or

(b) has been received from any place outside India (duly authenticated by such authority or person and in such manner as may be prescribed) in the course of the investigation of any offence alleged to have been committed by any person against this Act,

and such document is tendered in evidence against the person by whom it is produced or from whom it was seized or against such person and any other person who is jointly tried, or proceeded against, with him, the court, or, as the case may be, the adjudicating authority shall notwithstanding anything to the contrary contained in any other law for the time being in force,—

(i) presume, unless the contrary is proved, that the signature and every other part of such document which purports to be in the handwriting of any particular person or which the court or the adjudicating authority may reasonably assume to have been signed by, or to be in the handwriting of, any particular person, is under that persons' handwriting, and, in the case of a document executed or attested, it was executed or attested by the person by whom it purports to have been so executed or attested;

(ii) admit the document in evidence notwithstanding that it is not duly stamped, if such document is otherwise admissible in evidence.

4E. Power to stop and seize conveyances.—Any authorised person may, if he has any reason to suspect that any conveyance or animal is being, or is about to be, used for the transportation of any imported goods or materials which are liable to confiscation under this Act and that by such transportation any provision of this Act has been, is being, or is about to be, contravened, at any time stop such conveyance or animal or, in the case of an aircraft, compel it to land, and

(a) rummage and search the conveyance or any part thereof,

(b) examine and search any goods or materials in the conveyance or on the animal,

(c) if it becomes necessary to stop any conveyance or animal, he may use all lawful means for stopping it and where such means fail, the conveyance or animal may be fired upon,

and where he is satisfied that it is necessary so to do to prevent the contravention of any provision of this Act or of any control order or condition of any licence or letter of authority, he may seize such conveyance or animal.

Explanation.—Any reference in this section to a conveyance shall, unless the context otherwise requires, be construed as including a reference to an aircraft, vehicle or vessel.

4F. Search and seizure to be made in accordance with the Code of Criminal Procedure, 1973.—The provisions of the Code of Criminal Procedure, 1973, (2 of 1974) relating to searches and seizures, shall, so far as may be, apply to every search or seizure made under this Act.

4G. Confiscation.—Any imported goods or materials in respect of which—

(a) any condition of the licence or letter of authority, under which they were imported, relating to the utilisation or distribution of such goods or materials, or

(b) any condition relating to the utilisation or

distribution of such goods or materials subject to which they were received from, or through, a recognised agency, or

(c) any direction given under a control order with regard to the sale of such goods or materials,

has been, is being, or is attempted to be, contravened, shall, together with any package, covering or receptacle in which such goods are found, be liable to confiscation, and, where such goods or materials are so mixed with any other goods or materials that they cannot be readily separated, such other goods or materials shall also be liable to confiscation:

Provided that where it is established to the satisfaction of the adjudicating authority that any goods or materials which are liable to confiscation under this Act, had been imported for personal use, and not for any trade or industry, and that they belong to a person other than the person who has, by any act or omission, rendered them liable to confiscation, and such act or omission was without the knowledge or connivance of the person to whom they belong, such goods or materials shall not be ordered to be confiscated; but such other action as is authorised by this Act may be taken against the person who has, by such act or omission, rendered such goods or materials liable to confiscation.

4H. Confiscation of conveyance.—Any conveyance or animal which has been, is being, or is attempted to be, used for the transport of any imported goods or materials which are liable to confiscation under this Act, shall be liable to confiscation unless the owner of the conveyance or animal proves that it was, is being, or is about to be, so used without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the conveyance or animal and that each of them had taken all reasonable precautions against such use:

Provided that in the case of a conveyance or animal used for the transport of goods or passengers for hire, the owner of the conveyance or animal shall be given an option to pay, in lieu of confiscation of the conveyance or animal, a fine not exceeding the value of the imported goods or materials which have been, are being, or attempted to be, transported by such conveyance.

4-I. Liability to penalty.—(1) Any person who,—

(a) in relation to any goods or materials which have been imported under any licence or letter of authority, uses or utilises such goods or materials otherwise than in accordance with the conditions of such licence or letter of authority; or

(b) being a person to whom any imported goods or materials have been delivered by a recognised agency, uses or utilises such goods or materials or causes them to be used or utilised, for any purpose other than the purpose for which they were delivered to him; or

(c) having made a declaration for the purpose of obtaining—

(i) a licence or letter of authority to import any goods or materials, or

(ii) any amendment of such licence or letter of authority, or

(iii) all or part of any imported goods or materials,

is found to have made in such declaration, any statement which is incorrect or false in material particulars; or

- (d) acquires, sells or otherwise parts with, or agrees to acquire, sell or otherwise part with, any imported goods or materials in contravention of the conditions of any licence or letter of authority in pursuance of which such goods or materials had been imported; or
- (e) acquires, sells or otherwise parts with, or agrees to acquire, sell or otherwise part with, any imported goods or materials in contravention of the terms of any allotment made by any recognised agency; or
- (f) contravenes any direction given under a control order with regard to the sale of goods or materials which have been imported under any licence or letter of authority or which have been received from, or through, a recognised agency,

shall be liable to a penalty not exceeding five times the value of the goods or materials, or one thousand rupees, whichever is more, whether or not such goods or materials have been confiscated or are available for confiscation.

Explanation.—For the purposes of this section, “value” has the meaning assigned to it in sub-section (1) of section 14 of the Customs Act, 1962 (52 of 1962).

(2) If any person abets the commission of any act or omission, which act or omission would render any person liable to a penalty under sub-section (1), or attempts to commit any act aforesaid, the person so abetting or attempting shall be liable to a penalty not exceeding five times the value of the goods or materials in respect of which such abetment or attempt has been made, or one thousand rupees, whichever is more, whether or not such goods have been confiscated or are available for confiscation.

(3) A penalty imposed under sub-section (1) of sub-section (2) may, if it is not paid, be recovered as an arrear of land revenue:

Provided that the adjudicating authority may, by order, attach any money belonging to, or owned to, the person on whom any penalty has been imposed under sub-section (1) or sub-section (2), and such attachment shall be made in the same manner in which an attachment is made by a civil court.

4J. *Confiscation or penalty not to interfere with other punishments.*—No confiscation made or penalty imposed under this Act shall prevent the infliction of any other punishment to which the person affected thereby is liable under the provisions of this Act or under any other law for the time being in force.

4K. *Adjudication.*—Any confiscation may be adjudged or penalty may be imposed under this Act,

- (a) by the Chief Controller, or, where he so directs, by a general or special order, by the Additional Chief Controller;
- (b) subject to such limit as may be specified in this behalf, by such other officer not below the rank of a Deputy Chief Controller, as the Central Government may, by notification in the Official Gazette, authorise in this behalf.

4L. *Giving of opportunity to the owner of goods, etc.*—No order of adjudication of confiscation or imposing a penalty shall be made unless the owner of the goods, materials, conveyance or animal, or other person concerned, is given a notice in writing—

- (i) informing him of the grounds on which it is proposed to confiscate such goods, materials, conveyance or animal or to impose a penalty;

- (ii) giving him a reasonable opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the confiscation or imposition of penalty mentioned therein, and, if he so desires, of being heard in the matter.

4M. *Appeal.*—(1) Any person aggrieved by any decision or order made under this Act may prefer an appeal,

- (a) where the decision or order has been made by the Chief Controller or Additional Chief Controller, to the Central Government;
- (b) where the decision or order has been made by any officer below the rank of the Additional Chief Controller, to the Chief Controller or where he so directs, to the Additional Chief Controller,

within a period of forty-five days from the date on which the order is served on such person:

Provided that the Appellate Authority may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the aforesaid period of forty-five days, allow such appeal to be preferred within a further period of forty-five days:

Provided further that in the case of an appeal against an order imposing a penalty, no such appeal shall be entertained unless the amount of the penalty has been deposited by the appellant:

Provided also that, where the Appellate Authority is of opinion that the deposit to be made will cause undue hardship to the appellant, it may, at its discretion, dispense with such deposit either un-conditionally or subject to such conditions as it may impose.

(2) The Appellate Authority, may, after giving to the appellant a reasonable opportunity of being heard, if he so desires, and after making such further inquiries, if any, as it may consider necessary, pass such orders as it thinks fit, confirming, modifying or reversing the decision or order appealed against, or may send back the case, with such directions as it may think fit, for a fresh adjudication or decision, as the case may be, after taking additional evidence, if necessary:

Provided that an order enhancing or imposing a penalty or confiscating goods or materials of a greater value shall not be made under this section unless the appellant has had an opportunity of making a representation, and, if he so desires, of being heard in his defence.

4N. *Powers of revision of the Chief Controller.*—The Chief Controller may, on his own motion or otherwise, call for and examine the records of any proceeding in which an order of adjudication of confiscation or imposing any penalty has been made by any officer subordinate to him and against which no appeal has been preferred, for the purpose of satisfying himself as to the correctness, legality or propriety of such order or decision and pass such orders thereon as he may think fit:

Provided that no decision or order shall be varied under this section so as to prejudicially affect any person unless such person—

- (a) has, within a period of two years from the date of such decision or order, received a notice to show cause why such decision or order shall not be varied, and
- (b) has been given a reasonable opportunity of making representation and, if he so desires, of being heard, in his defence.

4-O. *Power of adjudicating and other authorities.*—(1) Every authority making any adjudication or hearing any appeal or exercising any powers of revision under this Act shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of witnesses;
- (b) requiring the discovery and production of any document;
- (c) requisitioning any public record or copy thereof from any court or office;
- (d) receiving evidence on affidavits; and
- (e) issuing commissions for the examination of witnesses or documents.

(2) Every authority making any adjudication or hearing any appeal or exercising any powers of revision under this Act shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1974).

(3) Every authority making any adjudication or hearing any appeal or exercising any powers of revision under this Act shall have the power to make such orders of an interim nature as it may think fit and may also, for sufficient cause, order the stay of operation of any decision or order.

4P. *Continuance of proceedings in the event of death or insolvency.*—(1) Where a penalty has been imposed by the adjudicating authority and—

- (a) no appeal against the order imposing such penalty has been preferred to the Appellate Authority and the person entitled to file such appeal dies or is adjudicated an insolvent before the expiry of the period within which the appeal can be preferred, or
- (b) an appeal has been preferred to the Appellate Authority against the order imposing such penalty but the appellant dies or is adjudicated an insolvent during the pendency of the appeal,

then, it shall be lawful, for the legal representatives of such person or the Official Assignee or the Official Receiver, as the case may be, to prefer an appeal to the Appellate Authority, or, as the case may be, to continue the appeal before the Appellate Authority, in place of such person and the provisions of section 4M shall, so far as may be, apply or continue to apply to such appeal.

(2) The powers of the Official Assignee or the Official Receiver under sub-section (1) shall be exercised by him subject to the provisions of the Presidency Towns Insolvency Act, 1909 (3 of 1909), or the Provincial Insolvency Act, 1920 (5 of 1920), as the case may be.

4. *Amendment of section 5.*—In section 5 of the principal Act,—

- (i) after the words “any condition of a licence granted under any such order”, the words “or any authority under which imported goods were received from or through a recognised agency” shall be inserted;
- (ii) for the words “be punishable with imprisonment for a term which may extend to two years and also with fine”, the words—
“be punishable,—
(a) where the value of the goods, in relation to which such contravention or attempted contravention or abetment of contravention has been made, exceeds ten lakh rupees, with imprisonment for a term which may extend to seven years and also

with fine, and
(b) in any other case, with imprisonment for a term which may extend to three years and also with fine.”

shall be substituted.

5. *Insertion of new sections 5A and 5B.*—After section 5 of the principal Act, the following sections shall be inserted, namely:—

“5A. *Penalty for contravention of order made by adjudicating authority and Appellate Authority.*—If any person fails to pay the penalty imposed by the adjudicating or the Appellate Authority or fails to comply with any direction or order made, or deemed to have been made, under this Act, he shall, upon conviction by a court, be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

5B. *Correction of clerical or arithmetical mistakes.*—Clerical or arithmetical mistakes in any decision or order, or errors arising therefrom from any accidental slip or omission may, at any time, be corrected by the authority by which the decision or order was made either on its own motion or on the application of the aggrieved person:

Provided that where any correction proposed to be made under this section will have the effect of prejudicially affecting any person, no such correction shall be made except after giving to that person a reasonable opportunity of making a representation in the matter and no such correction shall be made after the expiry of a period of two years from the date on which such decision or order was made.”

6. *Insertion of new section 8.*—After section 7 of the principal Act, the following section shall be inserted, namely:—

“8. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the person by whom, and the manner in which, any document received from a place outside India shall be authenticated,
- (b) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”

7. *Repeal and saving.*—(1) The Imports and Exports (Control) Amendment Ordinance, 1975 (19 of 1975), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act, as if this Act had come into force on the 4th day of November, 1975.

Assented to on 25-1-1976.

THE SMUGGLERS AND FOREIGN EXCHANGE MANIPULATORS (FORFEITURE OF PROPERTY) ACT, 1976

(ACT NO. 13 OF 1976)

AN

ACT

to provide for the forfeiture of illegally acquired properties of smugglers and foreign exchange manipulators and for matters connected therewith or incidental thereto.

WHEREAS for the effective prevention of smuggling activities and foreign exchange manipulations which are having a deleterious effect on the national economy it is necessary to deprive persons engaged in such activities and manipulations of their ill-gotten gains;

AND WHEREAS such persons have been augmenting such gains by violations of wealth-tax, income-tax or other laws or by other means and have thereby been increasing their resources for operating in a clandestine manner;

AND WHEREAS such persons have in many cases been holding the properties acquired by them through such gains in the names of their relatives, associates and confidants;

Be it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 5th day of November, 1975.

2. *Application.*—(1) The provisions of this Act shall apply only to the persons specified in sub-section (2).

(2) The persons referred to in sub-section (1) are the following, namely:—

(a) every person—

(i) who has been convicted under the Sea Customs Act, 1878 (8 of 1878) or the Customs Act, 1962 (52 of 1962) of an offence in relation to goods of a value exceeding one lakh of rupees; or

(ii) who has been convicted under the Foreign Exchange Regulation Act, 1947 (7 of 1947), or the Foreign Exchange Regulation Act, 1973 (46 of 1973) of an offence, the amount or value involved in which exceeds one lakh of rupees; or

(iii) who having been convicted under the Sea Customs Act, 1878 (8 of 1878) or the Customs Act, 1962 (52 of 1962), has been convicted subsequently under either of those Acts; or

(iv) who having been convicted under the Foreign Exchange Regulation Act 1947, (7 of 1947), or the Foreign Exchange Regulation Act, 1973 (46 of 1973) has been convicted subsequently under either of those Acts;

(b) every person in respect of whom an order of detention has been made under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974);

Provided that—

(i) such order of detention, being an order to which the provisions of section 9 or section 12A of the said Act do not apply, has not been revoked on the report of the Advisory Board under section 8 of the said Act or before the receipt of the report of the Advisory Board or before

making a reference to the Advisory Board; or
(ii) such order of detention, being an order to which the provisions of section 9 of the said Act apply, has not been revoked before the expiry of the time for, or on the basis of, the review under sub-section (3) of section 9, or on the report of the Advisory Board under section 8, read with sub-section (2) of section 9, of the said Act; or

(iii) such order of detention, being an order to which the provisions of section 12A of the said Act apply, has not been revoked before the expiry of the time for, or on the basis of, the first review under sub-section (3) of that section, or on the basis of the report of the Advisory Board under section 8, read with sub-section (6) of section 12A, of that Act; or

(iv) such order of detention has not been set aside by a court of competent jurisdiction;

(c) every person who is a relative of a person referred to in clause (a) or clause (b);

(d) every associate of a person referred to in clause (a) or clause (b);

(e) any holder (hereafter in this clause referred to as the present holder) of any property which was at any time previously held by a person referred to in clause (a) or clause (b) unless the present holder or, as the case may be, any one who held such property after such person and before the present holder, is or was a transferee in good faith for adequate consideration.

Explanation 1.—For the purposes of sub-clause (i) of clause (a), the value of any goods in relation to which a person has been convicted of an offence shall be the wholesale price of the goods in the ordinary course of trade in India as on the date of the commission of the offence.

Explanation 2.—For the purposes of clause (c), “relative”, in relation to a person, means—

(i) spouse of the person;

(ii) brother or sister of the person;

(iii) brother or sister of the spouse of the person;

(iv) any lineal ascendant or descendant of the person;

(v) any lineal ascendant or descendant of the spouse of the person;

(vi) spouse of a person referred to in clause (ii), clause (iii), clause (iv) or clause (v);

(vii) any lineal descendant of a person referred to in clause (ii) or clause (iii).

Explanation 3.—For the purposes of clause (d), “associate”, in relation to a person, means—

(i) any individual who had been or is residing in the residential premises (including out-houses) of such person;

(ii) any individual who had been or is managing the affairs or keeping the accounts of such person;

(iii) any association of persons, body of individuals, partnership firm, or private company within the meaning of the Companies Act, 1956 (1 of 1956), of which such person had been or is a member, partner or director;

(iv) any individual who had been or is a member, partner or director of an association of persons, body of individuals, partnership firm or private company referred to in clause (iii) at any time

- when such person had been or is a member, partner or director of such association, body, partnership firm or private company;
- (v) any person who had been or is managing the affairs, or keeping the accounts, of any association of persons, body of individuals, partnership firm or private company referred to in clause (iii);
- (vi) the trustee of any trust, where,—
 - (a) the trust has been created by such person; or
 - (b) the value of the assets contributed by such person (including the value of the assets, if any, contributed by him earlier) to the trust amounts, on the date on which the contribution is made, to not less than twenty per cent of the value of the assets of the trust on that date;
- (vii) where the competent authority, for reasons to be recorded in writing, considers that any properties of such person are held on his behalf by any other person, such other person.

Explanation 4.—For the avoidance of doubt, it is hereby provided that the question whether any person is a person to whom the provisions of this Act apply may be determined with reference to any facts, circumstances or events (including any conviction or detention) which occurred or took place before the commencement of this Act.

3. Definitions.—(1) In this Act, unless the context otherwise requires,—

- (a) "Appellate Tribunal" means the Appellate Tribunal for Forfeited Property constituted under section 12;
- (b) "competent authority" means an officer of the Central Government authorised by it under sub-section (1) of section 5 to perform the functions of a competent authority under this Act;
- (c) "illegally acquired property", in relation to any person to whom this Act applies, means—
 - (i) any property acquired by such person, whether before or after the commencement of this Act, wholly or partly out of or by means of any income, earnings or assets derived or obtained from or attributable to any activity prohibited by or under any law for the time being in force relating to any matter in respect of which Parliament has power to make laws; or
 - (ii) any property acquired by such person, whether before or after the commencement of this Act, wholly or partly out of or by means of any income, earnings or assets in respect of which any such law has been contravened; or
 - (iii) any property acquired by such person, whether before or after the commencement of this Act, wholly or partly out of or by means of any income, earnings or assets the source of which cannot be proved and which cannot be shown to be attributable to any act or thing done in respect of any matter in relation to which Parliament has no power to make laws; or
 - (iv) any property acquired by such person, whether before or after the commencement of this Act, for a consideration, or by any means, wholly or partly traceable to any property referred to in sub-clauses

(i) to (iii) or the income or earnings from such property;

and includes—

- (A) any property held by such person which would have been, in relation to any previous holder thereof, illegally acquired property under this clause if such previous holder had not ceased to hold it, unless such person or any other person who held the property at any time after such previous holder or, where there are two or more such previous holders, the last of such previous holders is or was a transferee in good faith for adequate consideration;
- (B) any property acquired by such person, whether before or after the commencement of this Act, for a consideration, or by any means, wholly or partly traceable to any property falling under item (A), or the income or earnings therefrom;
- (d) "prescribed" means prescribed by rules made under this Act;
- (e) "property" includes any interest in property, movable or immovable;
- (f) "trust" includes any other legal obligation.

(2) Any reference in this Act to any law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.

(3) Any reference in this Act to any officer or authority shall, in relation to any area in which there is no officer or authority with the same designation, be construed as a reference to such officer or authority as may be specified by the Central Government by notification in the Official Gazette.

4. Prohibition of holding illegally acquired property.—(1) As from the commencement of this Act, it shall not be lawful for any person to whom this Act applies to hold any illegally acquired property either by himself or through any other person on his behalf.

(2) Where any person holds any illegally acquired property in contravention of the provisions of sub-section (1), such property shall be liable to be forfeited to the Central Government in accordance with the provisions of this Act.

5. Competent authority.—(1) The Central Government may, by order published in the Official Gazette, authorise as many officers of the Central Government (not below the rank of a Joint Secretary to the Government), as it thinks fit, to perform the functions of the competent authority under this Act.

(2) The competent authorities shall perform their functions in respect of such persons or classes of persons as the Central Government may, by order, direct.

6. Notice of forfeiture.—(1) If, having regard to the value of the properties held by any person to whom this Act applies, either by himself or through any other person on his behalf, his known sources of income, earnings or assets, and any other information or material available to it as a result of action taken under section 18 or otherwise, the competent authority has reason to believe (the reasons for such belief to be recorded in

writing) that all or any of such properties are illegally acquired properties, it may serve a notice upon such person (hereinafter referred to as the person affected) calling upon him within such time as may be specified in the notice, which shall not be ordinarily less than thirty days, to indicate the sources of his income, earnings or assets, out of which or by means of which he has acquired such property, the evidence on which he relies and other relevant information and particulars, and to show cause why all or any of such properties, as the case may be, should not be declared to be illegally acquired properties and forfeited to the Central Government under this Act.

(2) Where a notice under sub-section (1) to any person specifies any property as being held on behalf of such person by any other person, a copy of the notice shall also be served upon such other person.

7. Forfeiture of property in certain cases.—(1) The competent authority may, after considering the explanation, if any, to the show cause notice issued under section 6, and the materials available before it and after giving to the person affected (and in a case where the person affected holds any property specified in the notice through any other person, to such other person also) a reasonable opportunity of being heard, by order, record a finding whether all or any of the properties in question are illegally acquired properties.

(2) Where the competent authority is satisfied that some of the properties referred to in the show cause notice are illegally acquired properties but is not able to identify specifically such properties, then, it shall, be lawful for the competent authority to specify the properties which, to the best of its judgement, are illegally acquired properties and record a finding accordingly under sub-section (1).

(3) Where the competent authority records a finding under this section to the effect that any property is illegally acquired property, it shall declare that such property shall, subject to the provisions of this Act, stand forfeited to the Central Government free from all encumbrances.

(4) Where any shares in a company stand forfeited to the Central Government under this Act, then, the company shall, notwithstanding anything contained in the Companies Act, 1956 (1 of 1956), or the articles of association of the company, forthwith register the Central Government as the transferee of such shares.

8. Burden of proof.—In any proceedings under this Act, the burden of proving that any property specified in the notice served under section 6 is not illegally acquired property shall be on the person affected.

9. Fine in lieu of forfeiture.—(1) Where the competent authority makes a declaration that any property stands forfeited to the Central Government under section 7 and it is a case where the source of only a part, being less than one-half, of the income, earnings or assets with which such property was acquired has not been proved to the satisfaction of the competent authority, it shall make an order giving an option to the person affected to pay, in lieu of forfeiture, a fine equal to one and one-fifth times the value of such part.

Explanation.—For the purposes of this sub-section, the value of any part of income, earnings or assets, with which any property has been acquired, shall be,—

(a) in the case of any part of income or earnings, the amount of such part of income or earnings;

(b) in the case of any part of assets, the proportionate part of the full value of the consideration for the acquisition of such assets.

(2) Before making an order imposing a fine under sub-section (1), the person affected shall be given a reasonable opportunity of being heard.

(3) Where the person affected pays the fine due under sub-section (1), within such time as may be allowed in that behalf, the competent authority may, by order, revoke the declaration of forfeiture under section 7 and thereupon such property shall stand released.

10. Procedure in relation to certain trust properties.—In the case of any person referred to in clause (vi) of Explanation 3 to sub-section (2) of section 2, if the competent authority, on the basis of the information and materials available to it, has reason to believe (the reasons for such belief to be recorded in writing) that any property held in trust is illegally acquired property, it may serve a notice upon the author of the trust or, as the case may be, the contributor of the assets out of or by means of which such property was acquired by the trust and the trustees, calling upon them within such time as may be specified in the notice which shall not ordinarily be less than thirty days, to explain the source of the money or other assets out of or by means of which such property was acquired or, as the case may be, the source of the money or other assets which were contributed to the trust for acquiring such property and thereupon such notice shall be deemed to be a notice served under section 6 and all the other provisions of this Act shall apply accordingly.

Explanation.—For the purposes of this section “illegally acquired property”, in relation to any property held in trust, includes—

(i) any property which if it had continued to be held by the author of the trust or the contributor of such property to the trust would have been illegally acquired property in relation to such author or contributor;

(ii) any property acquired by the trust out of any contributions made by any person which would have been illegally acquired property in relation to such person had such person acquired such property out of such contributions.

11. Certain transfers to be null and void.—Where after the issue of a notice under section 6 or under section 10, any property referred to in the said notice is transferred by any mode whatsoever such transfer shall, for the purposes of the proceedings under this Act, be ignored and if such property is subsequently forfeited to the Central Government under section 7, then, the transfer of such property shall be deemed to be null and void.

12. Constitution of Appellate Tribunal.—(1) The Central Government may, by notification in the Official Gazette, constitute an Appellate Tribunal to be called the Appellate Tribunal for Forfeited Property consisting of a Chairman and such number of other members (being officers of the Central Government not below the rank of a Joint Secretary to the Government) as the Central Government thinks fit, to be appointed by that Government for hearing appeals against the orders made under section 7, sub-section (1) of section 9 or section 10.

(2) The Chairman of the Appellate Tribunal shall be a person who is or has been or is qualified to be a Judge of the Supreme Court or of a High Court.

(3) The terms and conditions of service of the Chairman and other members shall be such as may be prescribed.

(4) Any person aggrieved by an order of the competent authority made under section 7, sub-section (1) of section 9 or section 10, may, within forty-five days from the date on which the order is served on him, prefer an appeal to the Appellate Tribunal:

Provided that the Appellate Tribunal may entertain any appeal after the said period of forty-five days, but not after sixty days, from the date aforesaid if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(5) On receipt of an appeal under sub-section (4), the Appellate Tribunal may, after giving an opportunity to the appellant to be heard, if he so desires, and after making such further enquiry as it deems fit, confirm, modify or set aside the order appealed against.

(6) The powers and functions of the Appellate Tribunal may be exercised and discharged by Benches consisting of three members and constituted by the Chairman of the Appellate Tribunal.

(7) The Appellate Tribunal may regulate its own procedure.

13. Notice or order not to be invalid for error in description.—No notice issued or served, no declaration made, and no order passed, under this Act shall be deemed to be invalid by reason of any error in the description of the property or person mentioned therein if such property or person is identifiable from the description so mentioned.

14. Bar of jurisdiction.—No order passed or declaration made under this Act shall be appealable except as provided therein and no civil court shall have jurisdiction in respect of any matter which the Appellate Tribunal or any competent authority is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

15. Competent authority and Appellate Tribunal to have powers of civil court.—The competent authority and the Appellate Tribunal shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for examination of witnesses or documents;
- (f) any other matter which may be prescribed.

16. Information to competent authority.—(1) Notwithstanding anything contained in any other law, the competent authority shall have power to require any officer or authority of the Central Government or a State Government or a local authority to furnish information in relation to such persons, points or matters as in the opinion of the competent authority will be useful for, or relevant to, the purposes of this Act.

(2) Any officer of the Income-tax Department, the Customs Department or the Central Excise Department or any Officer of enforcement appointed under the Foreign Exchange Regulation Act, 1973 (46 of 1973), may furnish *suo motu* any information available with him to the competent authority if in the opinion of the officer such information will be useful to the competent authority for the purposes of this Act.

17. Certain officers to assist competent authority and Appellate Tribunal.—For the purposes of any proceedings under this Act, the following officers are hereby empowered and required to assist the competent authority and the Appellate Tribunal, namely:—

- (a) officers of the Customs Department;
- (b) officers of the Central Excise Department;
- (c) officers of the Income-tax Department;
- (d) officers of enforcement appointed under the Foreign Exchange Regulation Act, 1973 (46 of 1973);
- (e) officers of police;
- (f) such other officers of the Central or State Government as are specified by the Central Government in this behalf by notification in the Official Gazette.

18. Power of competent authority to require certain officers to exercise certain powers.—(1) For the purposes of any proceedings under this Act or the initiation of any such proceedings, the competent authority shall have power to cause to be conducted any inquiry, investigation or survey in respect of any person, place, property, assets, documents, books of account or any other relevant matters.

(2) For the purposes referred to in sub-section (1), the competent authority may, having regard to the nature of the inquiry, investigation or survey, require an officer of the Income-tax Department to conduct or cause to be conducted such inquiry, investigation or survey.

(3) Any officer of the Income-tax Department who is conducting or is causing to be conducted any inquiry, investigation or survey required to be conducted under sub-section (2), may, for the purpose of such inquiry, investigation or survey, exercise any power (including the power to authorise the exercise of any power) which may be exercised by him for any purpose under the Income-tax Act, 1961 (43 of 1961), and the provisions of the said Act shall, so far as may be, apply accordingly.

19. Power to take possession.—(1) Where any property has been declared to be forfeited to the Central Government under this Act, or where the person affected has failed to pay the fine due under sub-section (1) of section 9 within the time allowed therefor under sub-section (3) of that section, the competent authority may order the person affected as well as any other person who may be in possession of the property to surrender or deliver possession thereof to the competent authority or to any person duly authorised by it in this behalf within thirty days of the service of the order.

(2) If any person refuses or fails to comply with an order made under sub-section (1), the competent authority may take possession of the property and may for that purpose use such force as may be necessary.

(3) Notwithstanding anything contained in sub-section (2), the competent authority may, for the purpose of taking possession of any property referred to in sub-section (1), requisition the service of any police officer

to assist the competent authority and it shall be the duty of such officer to comply with such requisition.

20. *Rectification of mistakes.*—With a view to rectifying any mistakes apparent from record, the competent authority or the Appellate Tribunal, as the case may be, may amend any order made by it within a period of one year from the date of the order:

Provided that if any such amendment is likely to affect any person prejudicially, it shall not be made without giving to such person a reasonable opportunity of being heard.

21. *Findings under other laws not conclusive for proceedings under this Act.*—No finding of any officer or authority under any other law shall be conclusive for the purposes of any proceedings under this Act.

22. *Service of notices and orders.*—Any notice or order issued or made under this Act shall be served—

- (a) by tendering the notice or order or sending it by registered post to the person for whom it is intended or to his agent;
- (b) if the notice or order cannot be served in the manner provided in clause (a), by affixing it on a conspicuous place in the property in relation to which the notice or order is issued or made, or on some conspicuous part of the premises in which the person for whom it is intended is known to have last resided or carried on business or personally worked for gain.

23. *Protection of action taken in good faith.*—No suit, prosecution or other proceeding shall lie against the Central Government or any officer of the Central or State Government for anything which is done, or intended to be done, in good faith, in pursuance of this Act or the rules made thereunder.

24. *Act to have overriding effect.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

25. *Provisions of the Act not to apply to certain properties held in trust.*—Nothing contained in this Act shall apply in relation to any property held by a trust or an institution created or established wholly for public religious or charitable purposes if—

- (i) such property has been so held by such trust or institution from a date prior to the commencement of this Act; or
- (ii) such property is wholly traceable to any property held by such trust or institution prior to the commencement of this Act.

26. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the terms and conditions of service of the Chairman and other members of the Appellate Tribunal under sub-section (3) of section 12;
- (b) the powers of a civil court that may be exercised by the competent authority and the Appellate Tribunal under clause (f) of section 15;
- (c) any other matter which has to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

27. *Repeal and saving.*—(1) The Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Ordinance, 1975 (20 of 1975), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

Assented to on 25-1-1976.

THE MAINTENANCE OF INTERNAL SECURITY (AMENDMENT) ACT, 1976

(ACT NO. 14 OF 1976)

AN

ACT

further to amend the Maintenance of Internal Security Act, 1971.

Be it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Maintenance of Internal Security (Amendment) Act, 1976.

2. *Amendment of section 3.*—In section 3 of the Maintenance of Internal Security Act, 1971 (26 of 1971) (hereinafter referred to as the principal Act), in sub-section (3), for the words "twelve days", at both the places where they occur, the words "twenty days", and for the words "twenty-two days", the words "twenty-five days", shall be substituted, and shall be deemed to have been substituted with effect from the 25th day of June, 1975.

3. *Amendment of section 14.*—In section 14 of the principal Act, for sub-section (2), the following sub-section shall be substituted, and shall be deemed to have been substituted with effect from the 29th day of June, 1975, namely:—

(2) The expiry or revocation of a detention order (hereafter in this sub-section referred to as the earlier detention order) shall not bar the making of another detention order (hereafter in this sub-section referred to as the subsequent detention order) under section 3 against the same person:

Provided that in a case where no fresh facts have arisen after the expiry or revocation of the earlier detention order made against such person, the maximum period for which such person may be detained in pursuance of the

subsequent detention order shall, in no case, extend beyond the expiry of a period of twelve months from the date of detention under the earlier detention order or the expiry of the Defence and Internal Security of India Act, 1971 (42 of 1971) whichever is later.”

4. Amendment of section 16A.—In section 16A of the principal Act,—

(a) after sub-section (2), the following sub-section shall be inserted, and shall be deemed to have been inserted with effect from the 29th day of June, 1975, namely:—

“(2A) If the State Government makes a declaration under sub-section (2) that the detention of any person in respect of whom a detention order is made by an officer subordinate to that Government is necessary for dealing effectively with the emergency, the State Government shall be deemed to have approved such detention order and the provisions of sub-section (3) of section 3, in so far as they relate to the approval of the State Government, and of sub-section (4) of that section, shall not apply to such detention order.”;

(b) for sub-section (5), the following sub-section shall be substituted, and shall be deemed to have been substituted with effect from the 29th day of June, 1975, namely:—

“(5) In making any review, consideration or reconsideration under sub-section (2), sub-section (3) or sub-section (4), the appropriate Government or officer may act on the basis of the information and materials in its or his possession without communicating or disclosing any such information or materials to the person concerned or affording him any opportunity of making any representation against the making under sub-section (2), or the making or confirming under sub-section (3), or the non-revocation under sub-section (4), of the declaration in respect of him.”;

(c) in sub-section (7), in clause (i),—

(i) in the opening portion, for the words “the following sub-section”, the words “the following” shall be substituted, and shall be deemed to have been substituted with effect from the 29th day of June, 1975;

(ii) in sub-section (3), as substituted by that clause, for the words “forward to the Central Government a report in respect of the order”, the words “report the fact to the Central Government” shall be substituted, and shall be deemed to have been substituted with effect from the 29th day of June, 1975;

(iii) after sub-section (3) aforesaid, the following shall be inserted, and shall be deemed to have been inserted with effect from the 17th day of October, 1975, namely:—

“(4) At any time after the receipt of a report under sub-section (3), the Central Government may require the State Government to furnish to the Central Government the grounds on which the order has been made and such other particulars as, in the opinion of the State Government, have a bearing on the necessity for the order.”;

(d) after sub-section (7), the following sub-sections shall be inserted, and shall be deemed to have been inserted with effect from the 29th day of June, 1975, namely:—

“(8) In the case of any person in respect of whom a declaration has been made by a State Government under sub-section 2 or a declaration has been made by a State Government or an officer subordinate to it or confirmed by the State Government under sub-section (3), or a declaration has not been revoked by a State Government under sub-section (4), the Central Government may, whenever it considers it necessary so to do, require the State Government to furnish to the Central Government the information and materials on the basis of which such declaration has been made or confirmed, or not revoked as the case may be, and such other information and materials as the Central Government may deem necessary.

(9) Notwithstanding anything contained in any other law or any rule having the force of law,—

(a) the grounds on which an order of detention is made or purported to be made under section 3 against any person in respect of whom a declaration is made under sub-section (2) or sub-section (3) and any information or materials on which such grounds or a declaration under sub-section (2) or a declaration or confirmation under sub-section (3) or the non-revocation under sub-section (4) of a declaration are based, shall be treated as confidential and shall be deemed to refer to matters of State and to be against the public interest to disclose and save as otherwise provided in this Act, no one shall communicate or disclose any such ground, information or material or any document containing such ground, information or material;

(b) no person against whom an order of detention is made or purported to be made under section 3 shall be entitled to the communication or disclosure of any such ground, information or material as is referred to in clause (a) or the production to him of any document containing such ground, information or material.”

5. Amendment of section 18.—In section 18 of the principal Act, for the words “detained under this Act”, the words and figure “in respect of whom an order is made or purported to be made under section 3” shall be substituted, and shall be deemed to have been substituted with effect from the 25th day of June, 1975.

6. Validation.—Any act or thing done or purporting to have been done, before the 16th day of November, 1975, under the principal Act in respect of any person against whom an order of detention was made under that Act on or after the 25th day of June, 1975 or in respect of any such order of detention shall, for all purposes, be deemed to be as valid and effective as if the amendments made to the principal Act by sections 2 and 3, and clause (a) of section 4, of this Act had been in force at all material times.

7. Repeal and saving (1).—The Maintenance of Internal Security (Third Amendment) Ordinance, 1975 (16 of 1975).

and the Maintenance of Internal Security (Fourth Amendment) Ordinance, 1975 (22 of 1975), are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinances shall be deemed to have been done or taken under the principal Act as amended by this Act.

Assented to on 9-2-1976.

THE DELHI LAND HOLDINGS (CEILING)
AMENDMENT ACT, 1976
(ACT NO. 15 OF 1976)

AN

ACT

further to amend the Delhi Land Holdings (Ceiling) Act, 1960

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Delhi Land Holdings (Ceiling) Amendment Act, 1976.

(2) It shall be deemed to have come into force on the 8th day of December, 1975.

2. *Amendment of section 1.*—In section 1 of the Delhi Land Holdings (Ceiling) Act, 1960 (24 of 1960) (hereinafter referred to as the principal Act), in subsection (2),—

(a) in clause (b), for the word "owned by the Central Government", the words "owned and held by the Central Government or any State Government" shall be substituted;

(b) in clause (b), the word "and" occurring at the end shall be omitted and after that clause, the following clause shall be inserted, namely:—

"(bb) the areas owned and held by any corporation owned or controlled by the Central Government";

(c) for clause (c), the following clauses shall be substituted, namely:—

"(c) the areas acquired under any law relating to the acquisition of land for a public purpose;

(d) the areas held and occupied, on the appointed day, for the purpose of a goshala or for the purpose of breeding, or feeding, or both, of horses, and, in either case, declared as such in the prescribed manner by the Chief Commissioner:

Provided that, no declaration under this clause shall be made by the Chief Commissioner in respect of an area held and occupied for the purpose of a goshala unless the goshala has been established for a charitable purpose without any motive for profit and registered as a society under the Societies Registration Act, 1860 (21 of 1860) and the entire income from such area is utilised for the purpose of the goshala:

Provided further that, when any area or any part thereof ceases to be held and occupied for the purpose referred to in this clause any declaration made under this clause, shall cease to have effect either in whole or in part, as the case may be, and the provisions of this Act shall apply to the whole or part of such area accordingly; and

(e) the areas owned and held by any agricultural co-operative land mortgage bank, any State or Central Co-operative Bank or any other bank.

Explanation.—For the purpose of this clause, "bank" means a banking company as defined in section 5 of the Banking Regulation Act, 1949 (10 of 1949) and includes the State Bank of India constituted under the State Bank of India Act, 1955 (23 of 1955), a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) and the Agricultural Refinance Corporation established under the Agricultural Refinance Corporation Act, 1963 (10 of 1963).

3. *Amendment of section 2.*—In section 2 of the principal Act,—

(a) clause (a) shall be re-lettered as clause (aa) and before that clause as so re-lettered, the following clause shall be inserted, namely:—

"(a) "appointed day" means the 24th day of January, 1971;";

(b) for clause (d), the following clause shall be substituted, namely:—

"(d) "family", in relation to a person, means the person, the wife or husband, as the case may be, and the minor sons and unmarried minor daughters of such person;";

(c) after clause (e), the following clauses shall be inserted, namely:—

"(ee) "orchard" means a compact area of land, having fruit bearing trees grown thereon in such number that they preclude, or when fully grown, would preclude, a substantial part of such land from being used for any agricultural purpose, but does not include any land, being a banana or guava garden or vine yard;

"(eee) "person" includes a company, family, association or other body of individuals, whether incorporated or not, and any institution capable of holding property";

(d) in clause (h), the words "standard acre" shall be omitted.

4. *Substitution of new section for section 3.*—For section 3 of the principal Act, the following section shall be substituted, namely:—

3. *Ceiling on holding.*—(1) Subject to the provisions of this section, on and from the commencement of the Delhi Land Holdings (Ceiling) Amendment Act, 1976, no person either by himself or, if he has a family, together with any other member of his family (hereinafter referred to as the person representing the family) shall, whether as a Bhumidhar or as Asami or partly in one capacity and partly in another, be entitled to hold land in excess of—

(a) (i) 7.25 hectares, in the case of land which is assured of irrigation from a private source of irrigation and is capable of yielding at least two crops in a year; or

(ii) 5.8 hectares, in the case of land which is assured of irrigation from a Government source of irrigation and is capable of yielding at least two crops in a year; or

(b) (i) 10.9 hectares in the case of land which is assured of irrigation from a private source of irrigation and is capable of yielding at least one crop in a year; or

(ii) 8.7 hectares, in the case of land which is assured of irrigation from a Government source of irrigation

and is capable of yielding at least one crop in a year; or

(c) 21.8 hectares, in the case of any other land, including an orchard.

(2) Where a person holds land falling under more than one category specified in sub-section (1), then, the land held by him shall be converted into land falling under category (c) and for the purpose of such conversion one hectare of land falling under category (a)(i) shall be treated as equal to 3 hectares of land falling under category (c), one hectare of land falling under category (a)(ii) shall be treated as equal to 3.75 hectares of land falling under category (c), one hectare of land falling under category (b)(i) shall be treated as equal to 2 hectares of land falling under category (c) and one hectare of land falling under category (b)(ii) shall be treated as equal to 2.5 hectares of land falling under category (c); and the extent of the land as so converted together with the extent of the land, if any, falling under category (c) held by such person shall not exceed 21.8 hectares.

(3) For the purposes of this section, land which is assured of irrigation from a Government source of irrigation means any land which is irrigated, or is capable of being irrigated, from such source.

(4) If any question whether any land is capable of yielding only one crop or more than one crop in a year arises, such question shall be decided by such authority and in such manner as may be prescribed and the decision of such authority thereon shall be final.

(5) Where the number of members of the family of a person exceeds five, he shall be entitled to hold land in excess of the ceiling limit to the extent of one-fifth of the ceiling limit for each member in excess of five; so, however, as not to exceed twice the ceiling limit in the aggregate.

(6) Where a person is a member of a family the land held by such person together with the land held by every other member of the family, whether individually or jointly, shall be taken into account in determining the ceiling limit.

(7) A person representing a family shall also be entitled to hold land not exceeding the ceiling limit for each of his major sons, if any:

Provided that the land, if any, held by such major son or, if he has a family by any other member of his family shall be taken into account in determining the ceiling limit for the purposes of this sub-section.

(8) Where a family holds land in excess of the ceiling limit and such land includes land held by the wife or the husband, then, the share of the wife or the husband, as the case may be, in the land that may be held by the family within the ceiling limit shall be in the same proportion as it was in the total extent of the land held by the family.

(9) Where a person is a member of a registered co-operative farming society his share in the land held by such society shall be taken into account in calculating the ceiling limit in relation to such person.”.

5. *Amendment of section 4.*—In section 4 of the principal Act, for the words, figures and letters “who at the commencement of this Act holds, or has at any time during the period between the 10th day of February, 1959, and such commencement held,”, the words “who on the appointed day or at any time thereafter held or holds,” shall be substituted.

6. *Amendment of section 6.*—In section 6 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) For the purpose of determining the excess land under this section any land transferred by sale, gift or otherwise (other than a *bona fide* sale under a registered deed for valuable consideration) at any time during the period between the appointed day and the commencement of the Delhi Land Holdings (Ceiling) Amendment Act, 1976, shall, notwithstanding such transfer, be deemed to be held by the transferor and the burden of proving the transfer by sale as *bona fide* shall be on the transferor.”.

7. *Substitution of new sections for section 7.*—For section 7 of the principal Act, the following sections shall be substituted, namely:—

“7. *Selection of excess land in cases of certain transfers.*—(1) Where any person transfers any land by sale, gift or otherwise (other than a *bona fide* sale under a registered deed for valuable consideration) at any time during the period referred to in sub-section (2) of section 6, the excess land in relation to such person shall be selected from out of the land held by him after such transfer and in case the entire excess land cannot be so selected, the balance, or, where no land is held by him after the transfer, the entire excess land, shall be selected out of the land held by the transferee:

Provided that where such person has transferred his land to more than one person, the balance or the entire excess land, as the case may be, shall be selected out of the land held by each of the transferees in the same proportion as the area of the land transferred to him bears to the total area of the land transferred to all the transferees.

(2) Where any excess land is selected out of the land transferred, the transfer of such land shall be void.

7A. *Abatement of certain suits.*—Notwithstanding anything contained in any other law, every suit for the specific performance of a contract for the transfer of land, instituted after the appointed day and before the commencement of the Delhi Land Holdings (Ceiling) Amendment Act, 1976 shall abate and no suit for the specific performance of any such contract entered into before such commencement shall be maintainable.”.

8. *Amendment of section 10.*—In section 10 of the principal Act,—

(a) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

“(1) Where any excess land of a Bhumidhar vests in the Government, there shall be paid by the Government to the Bhumidhar an amount calculated at the rates specified in the Table below, namely:—

THE TABLE

Class of land	Rates per hectare in rupees		
	For the first 3 hectares	For the next 3 hectares	For the remaining area
(a) Land under assured irrigation and capable of yielding at least two crops in a year ..	5,000	4,400	4,000
(b) Land under assured irrigation and capable of yielding at least one crop in a year ..	2,500	2,200	2,000
(c) Any other land (including an orchard) ..	1,250	1,100	1,000

Provided that where such excess land or any part thereof is in the possession of an Asami, the amount payable in respect of the land shall be apportioned between the Bhumidhar and the Asami in such proportion as may be determined by the competent authority in the prescribed manner, having regard to their respective shares in the net income from such land to be determined by the competent authority in the prescribed manner.

(2) In addition to the amount payable in respect of any excess land under sub-section (1), there shall also be paid an amount in respect of any structure or building, including wells, tube-wells and embankments constructed on such excess land and such amount shall be fifty per cent of the market value of such structure or building and shall be paid to the person who has constructed the structure or building.;

(b) in sub-section (3),—

(i) for the word "compensation" where it occurs in the first place, the words "an amount" and where it occurs in the second place, the word "amount" shall be substituted;

(ii) for the words, brackets and figures "sub-section (4) of section 7", the words, brackets and figures "sub-section (2) of section 7" shall be substituted;

(c) in sub-section (4),—

(i) for the words "the compensation", the words "the amount" shall be substituted;

(ii) the words "as compensation" shall be omitted;

(d) in sub-section (5), for the word "compensation", the words "the amount" shall be substituted;

(e) in sub-section (6), the words "of compensation" shall be omitted.

9. *Amendment of section 11.*—In section 11 of the principal Act, for the word "compensation" wherever it occurs, the word "amount" shall be substituted.

10. *Amendment of section 16.*—In section 16 of the principal Act, for the words "to such persons", the words and brackets "to such persons (preference being given to landless agricultural labourers particularly those belonging to the Scheduled Castes or the Scheduled Tribes)" shall be substituted.

11. *Amendment of section 23.*—In section 23 of the principal Act, in sub-section (1), for the words "shall be punishable with fine which may extend to one thousand

rupees", the words "shall be punishable with imprisonment for a term which may extend to six months and with fine which may extend to one thousand rupees" shall be substituted.

12. *Omission of section 26.*—Section 26 of the principal act shall be omitted.

13. *Amendment of section 27.*—In section 27 of the principal Act,—

(a) in sub-section (2),—

(i) in clauses (g), (h) and (i), for the word "compensation", the word "amount" shall be substituted;

(ii) in clause (j), for the word "compensation", the words "any amount" shall be substituted;

(b) in sub-section (3), for the the words "which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following", the words "which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

14. *Consequential provisions.*—(1) Subject to the provisions of sub-section (2), all proceedings relating to the determination of excess land and payment of amount therefor under the principal Act, pending, immediately before the commencement of this Act, before any authority shall be continued and disposed of in accordance with the provisions of the principal Act as it stood immediately before such commencement.

(2) Nothing in sub-section (1) shall be deemed to entitle any person to hold after the commencement of this Act, land in excess of the ceiling limit under the principal Act as amended by section 4 of this Act, and accordingly the provisions of the principal Act as amended by this Act shall, after such commencement, apply to such person in relation to such excess land.

15. *Repeal and saving.*—(1) The Delhi Land Holdings (Ceiling) Amendment Ordinance, 1975 (27 of 1975) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

THE PREVENTION OF FOOD ADULTERATION ACT, 1976

AN ACT

for further to amend the Prevention of Food Adulteration Act, 1954.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Prevention of Food Adulteration (Amendment) Act, 1976.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*—In section 2 of the Prevention of Food Adulteration Act, 1954 (37 of 1954) (hereinafter referred to as the principal Act),—

(a) clause (i) shall be re-numbered as clause (ia) thereof and before that clause as so re-numbered, the following clause shall be inserted, namely:—

(i) “adulterant” means any material which is or could be employed for the purposes of adulteration;”;

(b) in clause (ia) as so re-numbered,—

(i) in sub-clause (f), the word “disgusting”, shall be omitted;

(ii) for sub-clause (j), the following sub-clause shall be substituted, namely:—

“(j) if any colouring matter other than that prescribed in respect thereof is present in the article, or if the amounts of the prescribed colouring matter which is present in the article are not within the prescribed limits of variability;”;

(iii) for sub-clause (l), the following sub-clauses and *Explanation* shall be substituted, namely:—

“(l) if the quality or purity of the article falls below the prescribed standard or its constituents are present in quantities not within the prescribed limits of variability, which renders it injurious to health;

(m) if the quality or purity of the article falls below the prescribed standard or its constituents are present in quantities not within the prescribed limits of variability but which does not render it injurious to health:

Provided that, where the quality or purity of the article, being primary food, has fallen below the prescribed standards or its constituents are present in quantities not within the prescribed limits of variability in either case, solely due to natural causes and beyond the control of human agency, then, such article shall not be deemed to be adulterated within the meaning of this sub-clause.

Explanation.—Where, two or more articles of primary food are mixed together and the resultant article of food—

(a) is stored, sold or distributed under a name which denotes the ingredients thereof; and
(b) is not injurious to health.

then, such resultant article shall not be deemed to be adulterated within the meaning of this clause;”;

(c) in clause (iv), the following proviso shall be inserted, at the end, namely:—

“Provided that no person who has any financial interest in the manufacture, import or sale of any article of food shall be appointed to be a Director under this clause;”;

(d) for clause (v), the following clause shall be substituted, namely:—

(v) “food” means any article used as food or drink for human consumption other than drugs and water and includes—

(a) any article which ordinarily enters into, or is used in the composition or preparation of, human food,

(b) any flavouring matter or condiments, and

(c) any other article which the Central Government may, having regard to its use, nature, substance or quality, declare, by notification in the Official Gazette, as food for the purposes of this Act;”;

(e) for clause (vi) the following clause shall be substituted, namely:—

(vi) “Food (Health) Authority” means the Director of Medical and Health Services or the Chief Officer in charge of Health administration is a State, by whatever designation he is known and includes any officer empowered by the Central Government or the State Government, by notification in the Official Gazette, to exercise the powers and perform the duties of the Food (Health) Authority under this Act with respect to such local area as may be specified in the notification;”

(f) after clause (vii), the following clauses shall be inserted, namely:—

(viii) “Local (Health) Authority” in relation to a local area, means the officer appointed by the Central Government or the State Government, by notification in the Official Gazette, to be in charge of Health administration in such area with such designation as may be specified therein;

(viiiib) “manufacture” includes any process incidental or ancillary to the manufacture of an article of food;”;

(g) after clause (xii), the following clause shall be inserted, namely:—

(xiia) “primary food” means any article of food, being a produce of agriculture or horticulture in its natural form;”.

3. *Amendment of section 3.*—In section 3 of the principal Act,—

(a) in sub-section (2),—

(i) for clause (b), the following clause shall be substituted, namely:—

“(b) the Director of the Central Food Laboratory or, in a case where more than one Central Food Laboratory is established, the Directors of such Laboratories, *ex-officio*;”;

(ii) for clause (g), the following clauses shall be substituted, namely:—

“(g) one representative each, nominated by the Central Government, to represent the agricultural, commercial and industrial interests;

(gg) five representatives nominated by the Central Government to represent the consumers’ interests, one of whom shall be from the hotel industry;”;

(b) in sub-section (3), for the brackets and letter “(g),” the brackets and letters “(g), (gg),” shall be substituted.

4. *Insertion of new section 3A.*—After section 3 of the principal Act, the following section shall be inserted, namely:—

“3A. *Appointment of Secretary and other staff.*—

(1) The Central Government shall appoint a Secretary to the Committee who shall, under the control and direction of the Committee, exercise such powers and perform such duties as may be prescribed or as may be delegated to him by the Committee.

(2) The Central Government shall provide the Committee with such clerical and other staff as that Government considers necessary.”.

5. *Amendment of section 4.*—In section 4 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The Central Government shall, by notification in the Official Gazette, establish one or more

Central Food Laboratory or Laboratories to carry out the functions entrusted to the Central Food Laboratory by this Act or any rules made under this Act:

Provided that the Central Government may, by notification in the Official Gazette, also specify many laboratory or institute as a Central Food Laboratory for the purposes of this Act.”;

(b) in sub-section (2), for clause (a), the following clause shall be substituted, namely:—

“(a) the functions of a Central Food Laboratory and the local area or areas within which such functions may be carried out.”;

6. *Amendment of section 7.*—In section 7 of the principal Act,—

(a) in clause (iv), the word “or” shall be omitted;

(b) in clause (v), the word “or” shall be inserted at the end;

(c) after clause (v) as so amended, the following clause shall be inserted namely:—

“(vi) any adulterant.”;

(d) the following *Explanation* shall be inserted at the end, namely:—

“Explanation.—For the purposes of this section, a person shall be deemed to store any adulterated food or misbranded food or any article of food referred to in clause (iii) or clause (iv) or clause (v) if he stores such food for the manufacture therefrom of any article of food for sale.”.

7. *Amendment of section 8.*—In section 8 of the principal Act, after the proviso, the following proviso shall be inserted, namely:—

“Provided further that different public analysts may be appointed for different articles of food.”.

8. *Amendment of section 10.*—In section 10 of the principal Act,—

(a) in sub-section (1),—

(i) for clause (c), the following clause shall be substituted, namely:—

“(c) with the previous approval of the Local (Health) Authority having jurisdiction in the local area concerned, or with the previous approval of the Food (Health) Authority, to prohibit the sale of any article of food in the interest of public health.”;

(ii) the following *Explanation* shall be inserted at the end, namely:—

“Explanation.—For the purposes of sub-clause (iii) of clause (a), “consignee” does not include a person who purchases or receives any article of food for his own consumption.”;

(b) for sub-section (2) the following sub-section shall be substituted, namely:—

“(2) Any food inspector may enter and inspect any place where any article of food is manufactured, or stored for sale, or stored for the manufacture of any other article of food for sale, or exposed, or exhibited for sale or where any adulterant is manufactured or kept, and take samples of such article of food or adulterant for analysis:

Provided that no sample of any article of food, being primary food, shall be taken under this sub-section

if it is not intended for sale as such food.”;

(c) in sub-section (4), in the opening paragraph, the following shall be inserted at the end, namely:—

“and he shall, in either case, take a sample of such article and submit the same for analysis to a public analyst.”;

(d) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4A) Where any article of food seized under sub-section (4) is of a perishable nature and the Local (Health) Authority is satisfied that such article of food is so deteriorated that it is unfit for human consumption, the said authority may, after giving notice in writing to the vendor, cause the same to be destroyed.”;

(e) in sub-section (5),—

(i) for the first proviso, the following proviso shall be substituted, namely:—

“Provided that the power to break open the package or door shall be exercised only after the owner or any other person in charge of the package or, as the case may be, in occupation of the premises, if he is present therein, refuses to open the package or door on being called upon to do so, and in either case after recording the reasons for doing so.”;

(ii) in the second proviso, for the words and figures “Code of Criminal Procedure, 1898 (5 of 1898)”, the words and figures “Code of Criminal Procedure, 1973 (2 of 1974)” shall be substituted;

(f) in sub-section (6),—

(i) for the portion beginning with the words “Any material” and ending with the words “for purposes of adulteration” the following shall be substituted, namely:—

“Any adulterant found in the possession of a manufacturer or distributor of, or dealer in, any article of food or in any of the premises occupied by him as such”;

(ii) for the words “may be seized by the food inspector”, the words “and any books of account or other documents found in his possession or control and which would be useful for, or relevant to, any investigation or proceeding under this Act, may be seized by the food inspector” shall be substituted;

(iii) for the words “if necessary a sample of such material”, the words “a sample of such adulterant” shall be substituted;

(iv) the following proviso shall be inserted at the end, namely:—

“Provided that no such books of account or other documents shall be seized by the food inspector except with the previous approval of the authority to which he is officially subordinate.”;

(g) after sub-section (7), the following sub-sections shall be inserted, namely:—

“(7A) Where any books of account or other documents are seized under sub-section (6), the food inspector shall, within a period not exceeding thirty days from the date of seizure, return the same to the person from whom they were seized after copies thereof or extracts therefrom as certified by that person in such manner as may be prescribed have been taken:

Provided that where such person refuses to so certify and a prosecution has been instituted against him under this Act, such books of account or other documents shall be returned to him only after copies thereof or extracts therefrom as certified by the court have been taken.

(7B) When any adulterant is seized under sub-section (6), the burden of proving that such adulterant is not meant for purposes of adulteration shall be on the person from whose possession such adulterant was seized.”;

(h) in sub-section (8), for the words and figures “under section 57 of the Code of Criminal Procedure, 1898 (5 of 1898)”; the words and figures “under section 42 of the Code of Criminal Procedure, 1973”, shall be substituted;

(i) in sub-section (9),—

(A) in clause (a), “after the words “article of food” the words “or adulterant” shall be inserted;

(B) for the words “with fine which may extend to five hundred rupees” the words “with fine which shall not be less than five hundred rupees but which may extend to one thousand rupees” shall be substituted.

9. *Amendment of section 11.*—In section 11 of the principal Act,—

(a) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

(1) When a food inspector takes a sample of food for analysis, he shall—

(a) give notice in writing then and there of his intention to have it so analysed to the person from whom he has taken the sample and to the person, if any, whose name, address and other particulars have been disclosed under section 14A;

(b) except in special cases provided by rules under this Act, divide the sample then and there into three parts and mark and seal or fasten up each part in such a manner as its nature permits and take the signature or thumb-impression of the person from whom the sample has been taken in such place and in such manner as may be prescribed.

Provided that where such person refuses to sign or put his thumb impression the food inspector shall call upon one or more witnesses and take his or their signatures or thumb impressions, as the case may be, in lieu of the signature or thumb impression of such person;

(c) (i) send one of the parts for analysis to the public analyst under intimation to the Local (Health) Authority; and

(ii) send the remaining two parts to the Local (Health) Authority for the purposes of sub-section (2) of this section and sub-sections (2A) and (2E) of section 13.

(2) Where the part of the sample sent to the public analyst under sub-clause (i) of clause (c) of sub-section (1) is lost or damaged, the Local (Health) Authority shall, on a requisition made to it by the public analyst or the food inspector despatch one of the parts of the sample sent to it under sub-clause (ii) of the said clause (c) to the public analyst for analysis.”;

(b) in sub-section (3),—

(i) after the words “article of food”, the words “or adulterant” shall be inserted;

(ii) for the words “the food inspector shall send a sample of it”, the words the food inspector shall, by the immediately succeeding working day, send a sample of the article of food or adulterant or both, as the case may be”, shall be substituted;

(c) in sub-section (4),—

(i) for the opening paragraph, the following paragraph shall be substituted, namely:—

“(4) An article of food seized under sub-section (4) of section 10, unless destroyed under sub-section (4A) of that section, and any adulterant seized under sub-section (6) of that section shall be produced before a magistrate as soon as possible and in any case not later than seven days after the receipt of the report of the public analyst.”;

(ii) the first proviso shall be omitted and in the second proviso, the word “further” shall be omitted;

(d) for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) If it appears to the magistrate on taking such evidence as he may deem necessary—

(a) that the article of food produced before him under sub-section (4) is adulterated or misbranded, he may order it—

(i) to be forfeited to the Central Government, the State Government or the local authority, as the case may be; or

(ii) to be destroyed at the cost of the owner or the person from whom it was seized so as to prevent its being used as human food; or

(iii) to be so disposed of as to prevent its being again exposed for sale or used for food under its deceptive name; or

(iv) to be returned to the owner, on his executing a bond with or without sureties, for being sold under its appropriate name or, where the magistrate is satisfied that the article of food is capable of being made to conform to prescribed standards for human consumption after reprocessing, for being sold after reprocessing under the supervision of such officer as may be specified in the order;

(b) that the adulterant seized under sub-section (6) of section 10 and produced before him is apparently of a kind which may be employed for purposes of adulteration and for the possession of which the manufacturer, distributor or dealer, as the case may be, is unable to account satisfactorily, he may order it to be forfeited to the Central Government, the State Government or the local authority, as the case may be.”;

(e) in sub-section (6), for the portion beginning with the words “If it appears” and ending with the words “article was taken”, the following shall be substituted, namely:—

“If it appears to the magistrate that any such—

(a) article of food is not adulterated; or

(b) adulterant which is purported to be an adulterant is not an adulterant,

the person from whose possession the article of food or adulterant was taken”.

10. *Amendment of section 13.*—In section 13 of the principal Act,—

(a) for sub-section (1) and (2), the following sub-sections shall be substituted, namely:—

(1) The public analyst shall deliver, in such form as may be prescribed, a report to the Local (Health) Authority of the result of the analysis of any article of food submitted to him for analysis.

(2) On receipt of the report of the result of the analysis under sub-section (1) to the effect that the article of food is adulterated, the Local (Health) Authority shall, after the institution of prosecution against the person from whom the sample of the article of food was taken and the person, if any, whose name, address and other particulars have been disclosed under section 14A, forward, in such manner as may be prescribed, a copy of the report of the result of the analysis to such person or persons, as the case may be, informing such person or persons that if it is so desired, either or both of them may make an application to the court with a period of ten days from the date of receipt of the copy of the report to get the sample of the article of food kept by the Local (Health) Authority analysed by the Central Food Laboratory.

(2A) When an application is made to the court under sub-section (2), the court shall require the Local (Health) Authority to forward the part or parts of the sample kept by the said Authority and upon such requisition being made, the said Authority shall forward the part or parts of the sample to the court within a period of five days from the date of receipt of such requisition.

(2B) On receipt of the part or parts of the sample from the Local (Health) Authority under sub-section (2A), the court shall first ascertain that the mark and seal or fastening as provided in clause (b) of sub-section (1) of section 11 are intact and the signature or thumb impression, as the case may be, is not tampered with, and despatch the part or, as the case may be, one of the parts of the sample under its own seal to the Director of the Central Food Laboratory who shall thereupon send a certificate to the court in the prescribed form within one month from the date of receipt of the part of the sample specifying the result of the analysis.

(2C) Where two parts of the sample have been sent to the court and only one part of the sample has been sent by the court to the Director of the Central Food Laboratory under sub-section (2B), the court shall, as soon as practicable, return the remaining part to the Local (Health) Authority and that Authority shall destroy that part after the certificate from the Director of the Central Food Laboratory has been received by the court:

Provided that where the part of the sample sent by the court to the Director of the Central Food Laboratory is lost or damaged, the court shall require the Local (Health) Authority to forward the part of the sample, if any, retained by it to the court

and on receipt thereof, the court shall proceed in the manner provided in sub-section (2B).

(2D) Until the receipt of the certificate of the result of the analysis from the Director of the Central Food Laboratory, the court shall not continue with the proceedings pending before it in relation to the prosecution.

(2E) If, after considering the report, if any, of the food inspector or otherwise, the Local (Health) Authority is of the opinion that the report delivered by the public analyst under sub-section (1) is erroneous, the said Authority shall forward one of the parts of the sample kept by it to any other public analyst for analysis and if the report of the result of the analysis of that part of the sample by that other public analyst is to the effect that the article of food is adulterated, the provisions of sub-section (2) to (2D) shall, so far as may be, apply.”

(b) in sub-sections (3) and (4), for the words, brackets and figure “under sub-section (2)”, the words, brackets, figure and letter “under sub-section (2B)” shall be substituted;

(c) in sub-section (5), for the proviso, the following proviso shall be substituted, namely:—

“Provided that any document purporting to be a certificate signed by the Director of the Central Food Laboratory [not being a certificate with respect to the analysis of the part of the sample of any article of food referred to in the proviso to sub-section (1A) of section 16] shall be final and conclusive evidence of the facts stated therein.”;

(d) the following *Explanation* shall be inserted at the end, namely:—

Explanation.—In this section, and in clause (f) of sub-section (1) of section 16, “Director of the Central Food Laboratory” shall include the officer for the time being in charge of any Food Laboratory (by whatever designation he is known) recognised by the Central Government for the purposes of this section.”

11. *Amendment of section 14.*—In section 14 of the principal Act,—

(a) for the words “manufacturer, distributor or dealer of”, the words “manufacturer or distributor of, or dealer in,” shall be substituted;

(b) before the *Explanation*, the following proviso shall be inserted, namely:—

“Provided that a bill, cash memorandum or invoice in respect of the sale of any article of food given by a manufacturer or distributor of, or dealer in, such article to the vendor thereof shall be deemed to be a warranty given by such manufacturer, distributor or dealer under this section.”

12. *Amendment of section 16.*—In section 16 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

(i) Subject to the provisions of sub-section (1A), if any person—

(a) whether by himself or by any other person on his behalf, imports into India or manufactures for sale, or stores, sells or distributes any article of food—

- (i) which is adulterated within the meaning of sub-clause (m) of clause (ia) of section 2 or misbranded within the meaning of clause (ix) of that section or the sale of which is prohibited under any provision of this Act or any rule made thereunder or by an order of the Food (Health) Authority;
- (ii) other than an article of food referred to in sub-clause (i), in contravention of any of the provisions of this Act or of any rule made thereunder; or
- (b) whether by himself or by any other person on his behalf, imports into India or manufactures for sale, or stores, sells or distributes any adulterant which is not injurious to health; or
- (c) prevents a food inspector from taking a sample as authorised by this Act; or
- (d) prevents a food inspector from exercising any other power conferred on him by or under this Act; or
- (e) being a manufacturer of an article of food, has in his possession, or in any of the premises occupied by him, any adulterant which is not injurious to health; or
- (f) uses any report or certificate of a test or analysis made by the Director of the Central Food Laboratory or by a public analyst or any extract thereof for the purpose of advertising any article of food; or
- (g) whether by himself or by any other person on his behalf, gives to the vendor a false warranty in writing in respect of any article of food sold by him,

he shall, in addition to the penalty to which he may be liable under the provisions of section 6, be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years, and with fine which shall not be less than one thousand rupees:

Provided that—

- (i) if the offence is under sub-clause (i) of clause (a) and is with respect to an article of food, being primary food which is adulterated due to human agency or is with respect to an article of food which is misbranded within the meaning of sub-clause (k) of clause (ix) of section 2; or
- (ii) if the offence is under sub-clause (ii) of clause (a), but not being an offence with respect to the contravention of any rule made under clause (a) or clause (g) of sub-section (1A) of section 23 or under clause (b) of sub-section (2) of section 24,

the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term which shall not be less than three months but which may extend to two years, and with fine which shall not be less than five hundred rupees:

Provided further that if the offence is under sub-clause (ii) of clause (a) and is with respect to the contravention of any rule made under clause (a) or clause (g) of sub-section (1A) of section 23 or under clause (b) of sub-section (2) of section 24, the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term which may extend to three months and with fine which may extend to five hundred rupees";

(b) sub-section (1A) shall be re-numbered as sub-section (1AA) and before that sub-section as so re-numbered, the following sub-section shall be inserted, namely:—

"(1A) If any person whether by himself or by any other person on his behalf, imports into India or manufactures for sale, or stores, sells or distributes,—

- (i) any article of food which is adulterated within the meaning of any of the sub-clauses (e) to (i) (both inclusive) of clause (ia) of section 2; or
- (ii) any adulterant which is injurious to health,

he shall, in addition to the penalty to which he may be liable under the provisions of section 6, be punishable with imprisonment for a term which shall not be less than one year but which may extend to six years and with fine which shall not be less than two thousand rupees:

Provided that if such article of food or adulterant, when consumed by any person is likely to cause his death or is likely to cause such harm on his body as would amount to grievous hurt within the meaning of section 320 of the Indian Penal Code (45 of 1860), he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to term of life and with fine which shall not be less than five thousand rupees.";

(c) for sub-section (1B), the following sub-section shall be substituted, namely:—

"(1B) If any person in whose safe custody any article of food has been kept under sub-section (4) of section 10, sells or distributes such article which is found by the magistrate before whom it is produced to be adulterated within the meaning of sub-clause (h) of clause (ia) of section 2 and which, when consumed by any person, is likely to cause his death or is likely to cause such harm on his body as would amount to grievous hurt within the meaning of section 320 of the Indian Penal Code (45 of 1860), then, notwithstanding anything contained in sub-section (1AA), he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to term of life and with fine which shall not be less than five thousand rupees".

13. *Insertion of new section 16A.*—After section 16 of the principal Act, the following section shall be inserted, namely:—

"16A. *Power of court to try cases summarily.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), all offences under sub-section (1) of section 16 shall be tried in a summary way by a Judicial Magistrate of the first class specially empowered in this behalf by the State Government or by a Metropolitan Magistrate and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial:

Provided that in the case of any conviction in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for a term not exceeding one year:

Provided further that when at the commencement of, or in the course of, a summary trial under this section, it appears to the Magistrate that the nature of the case is such that a sentence of imprisonment for a term exceeding one year may have to be passed or that it is, for any other reason, undesirable to try the case summarily, the Magistrate shall after hearing the parties, record an order to that effect and thereafter recall any witness who may have been examined and proceed to hear or rehear the case in the manner provided by the said Code.”.

14. Substitution of new section for section 17.—For section 17 of the principal Act, the following section shall be substituted, namely:—

17. Offences by companies.—(1) Where an offence under this Act has been committed by a company—

- (a) (i) the person, if any, who has been nominated under sub-section (2) to be in charge of, and responsible to, the company for the conduct of the business of the company (hereafter in this section referred to as the person responsible), or
- (ii) where no person has been so nominated, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company; and
- (b) the company,

shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

(2) Any company may, by order in writing, authorise any of its directors or managers (such manager being employed mainly in a managerial or supervisory capacity) to exercise all such powers and take all such steps as may be necessary or expedient to prevent the commission by the company of any offence under this Act and may give notice to the Local (Health) Authority, in such form and in such manner as may be prescribed, that it has nominated such director or manager as the person responsible, along with the written consent of such director or manager for being so nominated.

Explanation.—Where a company has different establishments or branches or different units in any establishment or branch, different persons may be nominated under this sub-section in relation to different establishments, or branches or units and the person nominated in relation to any establishment, branch or unit shall be deemed to be the person responsible in respect of such establishment, branch or unit.

(3) The person nominated under sub-section (2) shall, until—

- (i) further notice cancelling such nomination is received from the company by the Local (Health) Authority; or
- (ii) he ceases to be a director or, as the case may be, manager of the company; or
- (iii) he makes a request in writing to the Local (Health) Authority, under intimation to the company, to cancel the nomination [which request shall be complied with by the Local (Health) Authority],

whichever is the earliest, continue to be the person responsible:

Provided that where such person ceases to be a director or, as the case may be, manager of the company, he shall intimate the fact of such cessation to the Local (Health) Authority:

Provided further that where such person makes a request under clause (iii), the Local (Health) Authority shall not cancel such nomination with effect from a date earlier than the date on which the request is made.

(4) Notwithstanding anything contained in the foregoing sub-sections, where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, [not being a person nominated under sub-section (2)] such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

- (a) “company” means any body corporate and includes a firm or other association of individuals;
- (b) “director”, in relation to a firm, means a partner in the firm; and
- (c) “manager”, in relation to a company engaged in hotel industry, includes the person in charge of the catering department of any hotel managed or run by it.”.

15. Amendment of section 18.—In section 18 of the principal Act, the following proviso shall be inserted at the end, namely:—

“Provided that where the court is satisfied that the article of food is capable of being made to conform to prescribed standards for human consumption after reprocessing, the court may order the article of food to be returned to the owner, on his executing a bond with or without sureties, for being sold, subject to the other provisions of this Act, after reprocessing under the supervision of such officer as may be specified therein.”.

16. Amendment of section 20.—In section 20 of the principal Act,—

(a) in sub-section (1),—

- (i) for the words “No prosecution for an offence under this Act”, the words, figures and letter “No prosecution for an offence under this Act, not being an offence under section 14 or section 14A,” shall be substituted;
- (ii) the words “or a local authority”, at both the places where they occur, shall be omitted;
- (b) for sub-section (2), the following sub-sections shall be substituted, namely:—

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence under this Act..

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an offence punishable under sub-section (1AA) of section 16 shall be cognizable and non-bailable.”.

17. *Amendment of section 20A.*—In section 20A of the principal Act, for the words, brackets and figures "sub-section (1) of section 351 of the Code of Criminal Procedure, 1898 (5 of 1898), the words, brackets and figures "sub-section (3) of section 319 of the Code of Criminal Procedure, 1973 (2 of 1974)" shall be substituted.

18. *Insertion of new section 20AA.*—After section 20A of the principal Act, the following section shall be inserted, namely:—

20AA. Application of the Probation of Offenders Act, 1958 and section 360 of the Code of Criminal Procedure, 1973.—Nothing contained in the Probation of Offenders Act, 1958 (20 of 1958), or section 360 of the Code of Criminal Procedure, 1973 (2 of 1974) shall apply to a person convicted of an offence under this Act unless that person is under eighteen years of age."

19. *Substitution of new section for section 21.*—For section 21 of the principal Act, the following section shall be substituted, namely:—

"21. Magistrate's power to impose enhanced penalties.—Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973 (2 of 1974), it shall be lawful for any Metropolitan Magistrate or any Judicial Magistrate of the first class to pass any sentence authorised by this Act, except a sentence of imprisonment for life or for a term exceeding six years, in excess of his powers under the said section."

20. *Insertion of new section 22A.*—After section 22 of the principal Act, the following section shall be inserted, namely:—

"22A. Power of Central Government to give directions.—The Central Government may give such directions as it may deem necessary to a State Government regarding the carrying into execution of all or any of the provisions of this Act and the State Government shall comply with such directions."

21. *Amendment of section 23.*—In section 23 of the principal Act,—

(a) sub-section (1) shall be re-numbered as sub-section (1A) and—
(i) before sub-section (1A) as so re-numbered, the following sub-section shall be inserted, namely:—

"(1) The Central Government may, after consultation with the Committee and after previous publication by notification in the Official Gazette, make rules to carry out the provisions of this Act:

Provided that consultation with the Committee may be dispensed with if the Central Government is of the opinion that circumstances have arisen which render it necessary to make rules without such consultation, but, in such a case, the Committee shall be consulted within six months of the making of the rules and the Central Government shall take into consideration any suggestions which the Committee may make in relation to the amendment of the said rules."

(ii) in sub-section (1A) as so re-numbered,—

(A) for the words "The Central Government may, after consultation with the Committee and subject to the condition of previous pub-

lication, make rules—", the words "In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—" shall be substituted;

(B) in clause (d), the words "or to preventing adulteration" shall be inserted at the end;

(C) after clause (e), the following clause shall be inserted, namely:—

"(ee) defining the laboratories where samples of articles of food or adulterants may be analysed by public analysts under this Act;"

(D) after clause (h), the following clause shall be inserted, namely:—

"(hh) defining the methods of analysis;"

(b) in sub-section (2), for the words "which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following", the words "which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

22. *Amendment of section 24.*—In sub-section (2) of section 24 of the principal Act,—

(i) in clause (a), for the words "and local authority", the words and brackets "local authority and Local (Health) Authority under this Act" shall be substituted;

(ii) in clause (b), for the words "may be cancelled or forfeited", the words "may be suspended, cancelled or forfeited" shall be substituted.

LAW DEPARTMENT

NOTIFICATION

Simla-2, the 8th June, 1976

No. LLR-E (9) 12/76.—The Coal Mines (Nationalisation) Amendment Ordinance, 1976, (No. 3 of 1976) promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, is hereby republished in the Himachal Pradesh Government Rajapatra for the information of general public.

M. C. PADAM,
Under Secretary (Judicial).

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 29th April, 1976/Vaisakha 9, 1898 (Saka)

THE COAL MINES (NATIONALISATION) AMENDMENT ORDINANCE, 1976

NO. 3 OF 1976

Promulgated by the President in the Twenty-seventh Year of the Republic of India

An Ordinance further to amend the Coal Mines (Nationalisation) Act, 1973

Whereas both Houses of Parliament are not in session and the President is satisfied that circumstances exist

which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:

1. *Short title and commencement.*—(1) This Ordinance may be called the Coal Mines (Nationalisation) Amendment Ordinance, 1976.

(2) It shall come into force at once.

2. *Act 26 of 1973 to be temporarily amended.*—During the period of operation of this Ordinance, the Coal Mines (Nationalisation) Act, 1973 (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 and 4.

3. *Amendment of section 3.*—In section 3 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:—

“(3) On and from the commencement of the Coal Mines (Nationalisation) Amendment Ordinance, 1976,—

(a) no person, other than—

(i) the Central Government or a Government company or a corporation owned, managed or controlled by the Central Government, or

(ii) a person to whom a sub-lease, referred to in the proviso to clause (c), has been granted by any such Government, company or corporation, or

(iii) a company engaged in the production of iron and steel,

shall carry on coal mining operation, in India, in any form;

(b) excepting the mining leases granted before such commencement in favour of the Government, company or corporation, referred to in clause (a), and any sub-lease granted by any such Government, company or corporation, all other mining leases and sub-leases in force immediately before such commencement, shall, in so far as they relate to the winning or mining of coal, stand terminated;

(c) no lease for winning or mining coal shall be granted in favour of any person other than the Government, company or corpo-

ration, referred to in clause (a):

Provided that the Government, company or corporation, to whom a lease for winning or mining coal has been granted may grant a sub-lease to any person in any area on such terms and conditions as may be specified in the instrument granting sub-lease, if the Government, company or corporation is satisfied that—

- (i) the reserves of coal in the area are in isolated small pockets or are not sufficient for scientific and economical development in a co-ordinated and integrated manner, and
- (ii) the coal produced by the sub-lease will not be required to be transported by rail.

(4) Where a mining lease stands terminated under sub-section (3), it shall be lawful for the Central Government or a Government company or corporation owned or controlled by the Central Government to obtain, notwithstanding anything contained in sub-section (2), or in the proviso to sub-section (2) of section 3 of the Coal Mines (Taking Over of Management) Act, 1973, a prospecting licence or a mining lease in respect of the whole or part of the land covered by the mining lease which stands so terminated.”

4. *Amendment of section 30.*—Section 30 of the principal Act shall be re-numbered as sub-section (1) of that section, and, after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Any person who engages, or causes any other person to be engaged, in winning or mining coal from the whole or part of any land in respect of which no valid prospecting licence or mining lease or sub-lease is in force, shall be punishable with imprisonment for a term which may extend to two years and also with fine which may extend to ten thousand rupees.”

FAKHRUDDIN ALI AHMED,
President.

K. K. SUNDARAM,
Secy. to the Govt. of India.

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

शन्य

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PART II

PUBLIC SERVICE COMMISSION NOTIFICATION

Simla-171002, the 6th May, 1976

No. PSC-22/71.—With reference to his option dated the 26th June, 1975 for permanent absorption as Section Officer Class-II (Gazetted) in the pay scale of Rs. 450-25-500-30-650/30-800 in the Himachal Pradesh Public Service Commission, Shri Salig Ram Ahluwalia Section Officer (at present borne on the cadre of H. P. Civil Sectt.) is hereby permanently absorbed as Section Officer

Class-II (Gazetted) in the pay scale of Rs. 450-25-500-30-650/30-800 with effect from 1st August, 1975.

CORRIGENDUM

Simla-171002, the 31st May, 1976

No. PSC-22/71.—The word ‘permanent’ appearing in the second and sixth lines of this office Notification of even number, dated 6th May, 1976 is hereby deleted.

MAJ. GEN. I. C. KATOCH, P.V.S.M.,
Chairman.